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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, October 30, 2007
10:25 a.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA

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COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN FRANK DiCICCO

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COUNCILMAN WILLIAM GREENLEE

14

COUNCILMAN JAMES F. KENNEY

15

COUNCILMAN BRIAN J. O'NEILL

16

COUNCILWOMAN BLONDELL REYNOLDS BROWN

17

BILLS 060685, 070366, 070690, 070692 and
070680

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V A R A L L O Incorporated

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Litigation Support Services

25

Eleven Penn Center

26

1835 Market Street, Suite 600

Philadelphia, Pennsylvania 19103

215.561.2220 215.567.2670

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COUNCIL PRESIDENT VERNA: Good morning, everyone. This is a public hearing of the Rules Committee.

Bill Nos. 060685 and 070692 are being held at the request of the sponsors.

At this time, I would ask Mr. McPherson to please read the title of Bill No. 070690.

While Mr. Kramer is approaching the witness table, I would like the record to note that a quorum is present. To my extreme left, we have Councilwoman Brown, Councilman Greenlee. Councilman DiCicco was going to volunteer to give us a quorum. To my extreme right is Councilman Kenney. Next to him is Councilman Clarke.

Good morning, Mr. Kramer. Please identify yourself for the record --

MR. MCPHERSON: I need to read the title.

COUNCIL PRESIDENT VERNA: --

1 10/30/07 - RULES - BILL 070366, ETC.

2 and proceed with your testimony.

3 MR. MCPHERSON: Bill No.

4 070690, an ordinance amending Title 14 of

5 The Philadelphia Code, entitled "Zoning

6 and Planning," by adding a new Section

7 14-1632, entitled "Convention Center

8 Expansion Area Special District

9 Controls," under certain terms and

10 conditions.

11 MR. KRAMER: Good morning,

12 Council President Verna and members of

13 the Rules Committee. I am William

14 Kramer, Acting Division Director of the

15 Development Planning Division of the

16 Philadelphia City Planning Commission. I

17 am here today to testify on Bill No.

18 070690, which was introduced by

19 Councilmember DiCicco on September 20,

20 2007.

21 Bill No. 070690 creates a new

22 section of The Philadelphia Code,

23 entitled "Convention Center Expansion

24 Area Special District Controls." This

25 bill will establish special land use

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2 controls for the block bounded by Race
3 Street, 13th Street, Arch Street and
4 Broad Street in accord with the special
5 character of this area in order to permit
6 a large-scale development in the
7 expansion district. This bill creates an
8 overlay adding specific use of convention
9 center to the permitted uses in the
10 district. It further allows buildings on
11 Broad Street to recede at points from the
12 street line in order to create
13 architectural recesses and allows for no
14 setbacks of the building to a height of
15 125 feet.

16 The bill would also permit
17 loading spaces and trash compactors in an
18 area not totally enclosed, provided the
19 area is located above the first floor of
20 the building and obscured from direct
21 street-level view. The controls would
22 also allow for signage in the amount of
23 15 square feet for each linear foot of
24 street frontage along a public street
25 line, provided such signage is approved

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2 by the Art Commission.

3 The Philadelphia City Planning
4 Commission at its meeting of October 16,
5 2007 considered and approved Bill No.
6 070690, understanding that this ordinance
7 would allow for the expansion of the
8 Pennsylvania Convention Center, which
9 represents a major investment of both
10 public and private funds. The expansion
11 would further allow the Convention Center
12 to remain competitive in the convention
13 center.

14 This concludes my testimony. I
15 appreciate the opportunity to appear
16 before you today and would be pleased to
17 answer any questions you may have.

18 COUNCIL PRESIDENT VERNA: Thank
19 you very much, Mr. Kramer.

20 Has the Planning Commission
21 seen the proposed development plan for
22 this site?

23 MR. KRAMER: Yes, we have.

24 COUNCIL PRESIDENT VERNA: And
25 do you like what you saw?

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2 MR. KRAMER: Yes, ma'am.

3 COUNCIL PRESIDENT VERNA: Okay.

4 MR. KRAMER: There have been
5 suggestions back and forth. One of the
6 concerns that was raised with the
7 Commission was to make sure that the
8 plans that we saw would allow for the
9 possibility of future connection to the
10 Broad Street Subway Line with a former
11 station located at Broad and Race Street,
12 and that plan, while they don't set up a
13 connection to that station, which is
14 currently not being used, it would not
15 preclude a connection to that station in
16 the future should we decide to reopen
17 that.

18 COUNCIL PRESIDENT VERNA:
19 Mr. Kramer, you state that the bill would
20 allow for no setbacks of the building to
21 a height of 125 feet. Would you please
22 elaborate on that?

23 MR. KRAMER: Yes, ma'am. What
24 we're discussing there is, when you
25 have -- at a 65-foot height, normally you

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2 would have the building step back in
3 order to preserve light and air. What
4 this will do is will allow this building
5 to be one single facade that is only 125
6 foot height, but won't step back from
7 Broad Street, and that was considered
8 appropriate given the type of building
9 that this is.

10 COUNCIL PRESIDENT VERNA: Very
11 well. Thank you.

12 Are there any questions from
13 members of the Committee?

14 (No response.)

15 COUNCIL PRESIDENT VERNA: Thank
16 you, Mr. Kramer.

17 MR. KRAMER: Thank you.

18 COUNCIL PRESIDENT VERNA: Do we
19 have anyone else to testify on this bill?

20 Good morning. Welcome.

21 MR. MEZZAROBA: Thank you,
22 Madam President.

23 Good morning, members of the
24 Rules Committee, City Council President
25 Verna. My name is Al Mezzaroba and I am

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2 the President and CEO of the Pennsylvania
3 Convention Center Authority.

4 I want to thank you for the
5 opportunity to testify on this bill, a
6 zoning planning ordinance establishing
7 special controls for the Convention
8 Center Expansion Area bounded by 13th and
9 Broad Streets between Arch and Race. I
10 would like to thank the Zoning Unit of
11 the Department of L&I, as well as the
12 Planning Commission and the Law
13 Department for working with us to prepare
14 this ordinance. I would also like to
15 thank Councilman DiCicco and his staff
16 for introducing this zoning ordinance to
17 facilitate the expansion of the
18 Pennsylvania Convention Center.

19 As Council is aware, the
20 Pennsylvania Convention Center needs to
21 expand dramatically in size to remain
22 competitive with other major national
23 convention destinations. The General
24 Assembly of the Commonwealth of
25 Pennsylvania has budgeted \$700 million in

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2 public funds for this project, which,
3 once completed, will enable the
4 Pennsylvania Convention Center to
5 accommodate the largest conventions and
6 trade shows or host two major conventions
7 simultaneously with one million square
8 feet of saleable space, more than
9 doubling the building's current size.

10 The Center will also feature
11 the largest convention ballroom space on
12 the East Coast and a total of 87 meeting
13 rooms. For customers, this means more
14 available booking dates and flexible
15 space. For the community, this means
16 2,000 new hospitality-related jobs
17 equaling more than 150 million in
18 regional economic impact annually.

19 The Commonwealth is currently
20 completing the acquisition of the
21 expansion site properties and the
22 demolition of existing buildings in
23 anticipation of construction work on a
24 new Center beginning in the spring of
25 '08.

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2 Council previously passed
3 ordinances authorizing the construction
4 of an overbuild across 13th Street,
5 authorizing the closure of several City
6 streets in the expansion area and
7 authorizing the transfer of City-owned
8 fire station property to the expansion
9 area.

10 The expansion building has been
11 designated to be compatible with the
12 existing Center building and to comply in
13 most respects with the existing C-4 and
14 C-5 zoning districts affecting the site.
15 No general zoning district can reasonably
16 be expected to anticipate all of the
17 special needs of a large-scale
18 development such as a convention center.
19 However, the purpose of the proposed
20 ordinance is to establish a limited set
21 of special controls that allow for a
22 large-scale development such as the
23 Convention Center Building on the
24 expansion area site.

25 First, this ordinance confirms

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2 beyond question that a convention center
3 with all its accessory components,
4 exhibit halls, meeting rooms, ballrooms,
5 et cetera, is a permitted use on the
6 expansion area. The ordinance also
7 establishes a number of prohibited uses
8 which simply extend the prohibited uses
9 of the Avenue of the Arts North Special
10 District Controls to the entire expansion
11 area site.

12 Additionally, the ordinance
13 permits a limited set of more flexible
14 dimensional controls that apply only to
15 the building on lots with frontage on
16 Broad Street, occupying 50 percent or
17 more of the total area of the block and
18 having 50 percent or more of the street
19 frontage.

20 These narrowly tailored special
21 controls are needed to facilitate the
22 appropriate development of the Convention
23 Center expansion consistent with the
24 comprehensive planning approach to the
25 area surrounding the existing Convention

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2 Center.

3 This concludes my testimony.

4 Madam President, members of the
5 Committee, I'd also like to introduce the
6 gentleman to my left is Anthony Forte,
7 who is a lawyer with Saul, Ewing and
8 helped put together the overlay.

9 COUNCIL PRESIDENT VERNA: Good
10 morning. Welcome.

11 MR. FORTE: Good morning.

12 COUNCIL PRESIDENT VERNA: Are
13 there any questions or comments from
14 members of the Committee?

15 The Chair recognizes
16 Councilwoman Brown.

17 COUNCILWOMAN BROWN: Good
18 morning. Good morning.

19 MR. MEZZAROBBA: Good morning,
20 Councilwoman. How are you?

21 COUNCILWOMAN BROWN: Welcome
22 back.

23 Are there any people of color
24 or women involved in the transaction you
25 just outlined, the effort you just

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2 outlined?

3 MR. MEZZAROBBA: The overlay
4 effort?

5 COUNCILWOMAN BROWN: Yes.

6 MR. MEZZAROBBA: At the moment
7 there is not. We have one law firm,
8 Saul, Ewing, dealing with the actual
9 overlay and it's been done internally
10 through my staff. As far as having a
11 minority and a --

12 COUNCILWOMAN BROWN: And/or a
13 woman.

14 MR. MEZZAROBBA: Yes. Minority,
15 women opportunities, we are in the
16 process of putting that together, and, in
17 fact, I had a conversation before I came
18 over here this morning with Ahmeenah
19 Young. She's going to reach out to the
20 Council President's office, and what we'd
21 like to do is start briefing
22 Councilmembers and staff on what our
23 inclusive process and our affirmative
24 action process is going to be, not only
25 for the professional services but for

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2 construction and what's going to happen
3 after the building is expanded and open
4 and the opportunities that are available.

5 COUNCILWOMAN BROWN: That's
6 helpful. And when is that scheduled to
7 roll out?

8 MR. MEZZAROBBA: We haven't --

9 COUNCILWOMAN BROWN: The
10 sit-down with Madam President.

11 MR. MEZZAROBBA: We haven't
12 scheduled it yet. I think we've just
13 really completed. We're in the process
14 of negotiating with the Commonwealth and
15 the Administration on a new lease service
16 agreement. As you may know, the
17 Convention Center currently operates
18 under a lease service agreement between
19 the City of Philadelphia and the
20 Authority. The state now, with putting
21 in the whole \$700 million plus, is going
22 to take up a portion of the operational
23 deficit. That lease service agreement
24 needs to be amended, and we're in the
25 process of negotiating that, and that

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2 will come to Council. And that lease
3 service agreement is what contained the
4 initial diversity and affirmative action
5 plans. So they will be updated as well.

6 But what we'd like to do
7 probably in the next couple of weeks
8 after elections is basically get in front
9 of staff and Councilmembers individually
10 or as groups and give you an update on
11 that as to where we're at.

12 COUNCILWOMAN BROWN: Thank you
13 very much.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 Any other questions?

17 The Chair recognizes Councilman
18 Clarke.

19 COUNCILMAN CLARKE: Thank you,
20 Madam President.

21 I was actually going to ask you
22 a similar question as to Councilwoman
23 Brown, but I just want to clarify this.
24 One, with respect to the City's
25 obligation, did you say the City will no

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2 longer have any obligation to the
3 operation of the Convention Center?

4 MR. MEZZAROBA: That's in the
5 process of being negotiated, Councilman,
6 and to be honest, we're negotiating for
7 the Authority with the state. The
8 Administration is negotiating directly
9 with the Commonwealth. My understanding
10 is is that it will be a capped amount,
11 that there will be money paid, but it
12 will be capped at, I believe, \$15
13 million. The details of that I don't
14 really know.

15 COUNCILMAN CLARKE: Okay. And
16 the revenue debt required, the 700
17 million for the expansion, where is that
18 revenue coming from?

19 MR. MEZZAROBA: Several years
20 ago the Legislature put in the capital
21 budget \$700 million for expansion of the
22 Convention Center. This past budget
23 cycle they also agreed to allow \$64
24 million a year for the next 30 years to
25 be taken out of the Economic Development

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2 and Tourism Fund from the gaming

3 revenues. There's a five percent

4 set-aside inside the gaming revenue law

5 that sets up a statewide fund.

6 Philadelphia will receive for the

7 Convention Center a total of \$64 million

8 a year, most of which will be paid to pay

9 off the debt service on the 700 million

10 in bonds, and they'll be in excess of \$6

11 million for any operational deficits that

12 aren't covered by the City or revenues.

13 COUNCILMAN CLARKE: You said

14 that the state was putting in the entire

15 700 million.

16 MR. MEZZAROBBA: They are.

17 COUNCILMAN CLARKE: But you

18 just said that the City's revenue from

19 the gaming, the 64 million --

20 MR. MEZZAROBBA: It's not the

21 City's revenue. Inside the state

22 legislation there's an Economic

23 Development Fund that's set up on a

24 statewide basis that gets five percent of

25 all -- the gross of all 14 -- I think

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2 there's 14 -- facilities.

3 COUNCILMAN CLARKE: Right.

4 MR. MEZZAROBBA: That money will
5 get to be spent throughout the state.
6 Pittsburgh, I believe, got ten projects
7 out of that. Philadelphia's project has
8 been designated to be the Convention
9 Center.

10 So it's statewide funds coming
11 from all 14 venues being put into this
12 fund. And what the Legislature did in
13 this past budget cycle is give the
14 authority to the Governor to spend up to
15 \$64 million a year for this project out
16 of that fund.

17 COUNCILMAN CLARKE: All right.
18 But Philadelphia's portion goes towards
19 the debt service on the Convention
20 Center?

21 MR. MEZZAROBBA: I'm sorry. I
22 didn't hear you.

23 COUNCILMAN CLARKE:
24 Philadelphia's portion of that
25 expenditure goes towards the debt service

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2 of the Convention Center?

3 MR. MEZZAROBBA: Correct.

4 COUNCILMAN CLARKE: So we are
5 in the mix.

6 MR. MEZZAROBBA: I would argue
7 that that is correct, that it's not
8 General Fund dollars, it's gaming fund,
9 that this would have been Philadelphia's
10 portion. That is correct.

11 COUNCILMAN CLARKE: All right.
12 In terms of timing, you indicated in your
13 testimony that the likelihood of start of
14 construction is next year, '08, spring of
15 '08?

16 MR. MEZZAROBBA: Spring of '08
17 we should start coming out of the ground,
18 that's correct.

19 COUNCILMAN CLARKE: Based on
20 the earlier discussion about the capital
21 budget, that would not be affected if
22 somehow the casinos revenue doesn't come
23 in in a timely way? We can start?

24 MR. MEZZAROBBA: The
25 Philadelphia casinos?

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2 COUNCILMAN CLARKE: Yes.

3 MR. MEZZAROBBA: That's correct.

4 The way the structure of this deal is
5 that state general obligation bonds are
6 paying the 700 million. As the fund -- I
7 believe it's called Economic Tourism and
8 Development Fund. I could be wrong on
9 the title. But on that state fund, we'll
10 reimburse the Commonwealth at some point
11 later. Like, for example, I believe
12 there's like \$22 million or \$25 million
13 in the fund as we speak, was the last
14 update I had, which obviously wouldn't
15 pay 64 million. But eventually they
16 expect that to be up to about \$170
17 million a year. Once that happens,
18 they'll begin repaying the Commonwealth
19 for what the Commonwealth has put out.

20 But the fact that the casinos
21 in Philadelphia or anywhere else aren't
22 open yet should not and will not affect
23 us going and starting in the spring.

24 COUNCILMAN CLARKE: At what
25 point do you think that the lack of

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2 revenue generated from the facilities,
3 the proposed facilities in Philadelphia,
4 may affect the ability to pay the debt
5 service?

6 MR. MEZZAROBBA: I can't answer
7 that. I think that's more of a political
8 question, because it's the Governor's
9 call. For the most part, we're in the
10 capital budget, and the capital budget is
11 paid by the general obligation bonds of
12 the state.

13 COUNCILMAN CLARKE: The
14 Governor probably would say it's already
15 affected it, if that's the case.

16 MR. MEZZAROBBA: Correct.
17 Because eventually -- and it's not set up
18 whether it's going to be this year, next
19 year or five years from now, the state
20 will begin reimbursing itself for monies
21 that's expended out of the General Fund.
22 But the pledge we have right now from the
23 Administration is that we will be fronted
24 the money out of the regular capital GO
25 bonds.

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2 COUNCILMAN CLARKE: Getting
3 back to the earlier question from the
4 Councilwoman, you indicated that, what
5 was it, the lease?

6 MR. MEZZAROBBA: Service
7 agreement?

8 COUNCILMAN CLARKE: Service
9 agreement. That comes before City
10 Council?

11 MR. MEZZAROBBA: Yes.

12 COUNCILMAN CLARKE: There's
13 some question about whether or not local
14 ordinances, particularly centered around
15 some of the participation goals, can in
16 fact be a part of any legislation dealing
17 with the Convention Center. What's your
18 interpretation with that?

19 MR. MEZZAROBBA: Well, to be
20 honest with you, I don't think it's going
21 to matter to us whether it can or it
22 can't. I think what we're going to do is
23 include and take City Council's advice on
24 it and include it in whatever our program
25 is to be. I mean, I'm not going to take

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2 a position whether you can or you can't.
3 I think this is a major project within
4 the City. The City has paid for it for
5 almost 20 years, and the City is going to
6 continue to put money into this, so I
7 think City Council should have a say in
8 what our program looks like.

9 COUNCILMAN CLARKE: Can you ask
10 your legal counsel to look at the fact
11 that we recently passed an ordinance in
12 City Council, it's called Equal
13 Opportunity Plan.

14 MR. MEZZAROBBA: Yes.

15 COUNCILMAN CLARKE: And any
16 legislation that deals with a certain
17 threshold -- and this clearly is above
18 that threshold -- in terms of project
19 size or purchase size must have an Equal
20 Opportunity Plan attached to it. So can
21 you ask your counsel -- actually, you
22 have your counsel sitting next to you --
23 to look at that to make sure that that in
24 fact can be a part of the proposal that
25 will be coming before us?

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2 MR. MEZZAROBBA: Absolutely, and
3 our enabling legislation at the state
4 level also requires us to have an
5 inclusive and a diversity plan, and we've
6 always had one. We've now updated it.
7 We've hired Mason Tillman to do a
8 disparity study so we can set goals for
9 the actual construction.

10 On top of that, we have a small
11 business and non-race or gender-based
12 programs as well. We've actually --
13 we've gone even a step further -- and,
14 again, I'll wait until we have an actual
15 update, and Ahmeenah knows this a lot
16 better than I do. But we have an
17 apprenticeship program which we feel will
18 be more inclusive to help minorities and
19 women and other people who haven't always
20 had a shot at getting union
21 apprenticeships and jobs into the cycle
22 as well.

23 COUNCILMAN CLARKE: Thank you.

24 Thank you, Madam President.

25 COUNCIL PRESIDENT VERNA: The

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2 Chair recognizes Councilwoman Brown.

3 COUNCILWOMAN BROWN: Thank you,
4 Madam President.

5 Please state again the name of
6 the consultant that's been hired to do an
7 assessment of this whole effort. Mason?

8 MR. MEZZAROBBA: Right. We
9 redid our diversity plan and a part of --
10 in the last ten years, a lot of the legal
11 precedent that's come down, in order to
12 set goals of any type that are either
13 race or gender-based, you need a
14 disparity study. You need someone that
15 comes in and looks at this section of the
16 state and says, There has been a
17 disparity of X percent for certain groups
18 of individuals. And we hired a company
19 called Mason Tillman. I believe they're
20 out of Georgia. The Commonwealth also
21 had hired them to do a statewide study.
22 But we felt that since Philadelphia is
23 unique, that we needed to do a more
24 in-depth one that's surrounding the
25 five-county area. So that's what we did,

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2 and we'd gladly make it -- we'll send it
3 over, if you'd like to see it.

4 COUNCILWOMAN BROWN: If you
5 could forward that to the President, that
6 would be great.

7 MR. MEZZAROBBA: Yes.

8 COUNCILWOMAN BROWN: So they're
9 out of Georgia and --

10 MR. MEZZAROBBA: I believe
11 they're out of Georgia, yes.

12 COUNCILWOMAN BROWN: You
13 learned of them because the state had
14 already used their services?

15 MR. MEZZAROBBA: Correct. We
16 did an RFP and there were two companies,
17 and to be honest, I don't remember the
18 other company, and we chose Mason Tillman
19 to do the study.

20 COUNCILWOMAN BROWN: Okay. So
21 in the information that you send to Madam
22 President, it will also include
23 background information on that particular
24 company?

25 MR. MEZZAROBBA: Sure.

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2 COUNCILWOMAN BROWN: Okay.

3 Thank you.

4 Thank you, Madam President.

5 COUNCIL PRESIDENT Verna:

6 You're welcome.

7 Mr. Mezzaroba, is there a need
8 to suspend the rules today?

9 MR. MEZZAROBIA: Yes, there is.

10 COUNCIL PRESIDENT Verna: Thank
11 you.

12 Are there any other questions
13 or comments from members of the
14 Committee?

15 (No response.)

16 COUNCIL PRESIDENT Verna: Thank
17 you very much.

18 MR. MEZZAROBIA: Thank you,
19 Madam President. Thank you.

20 COUNCIL PRESIDENT Verna: Thank
21 you.

22 Do we have anyone else to
23 testify on this bill?

24 (No response.)

25 COUNCIL PRESIDENT Verna:

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2 Seeing no one, I would ask Mr. McPherson
3 then to please read the title of Bill No.
4 070680.

5 MR. MCPHERSON: An ordinance
6 granting permission to The Ivy Hill
7 Cemetery Company to expand their cemetery
8 or place of burial located at 1201 Easton
9 Road.

10 COUNCIL PRESIDENT VERNA: Thank
11 you. And the record will reflect that
12 Councilman O'Neill has now joined the
13 Committee.

14 Mr. Kramer.

15 MR. KRAMER: Good morning,
16 Chairman Verna and members of the Rules
17 Committee. I am William Kramer, Acting
18 Division Director of the Development
19 Planning Division of the Philadelphia
20 City Planning Commission. I am here
21 today to testify on Bill No. 070680,
22 which was introduced by Councilmember
23 Tasco on September 20, 2007.

24 Bill No. 070680 allows 3.1
25 acres of land to be used as a cemetery.

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2 This property is located adjacent to The
3 Ivy Hill Cemetery Company and represents
4 the expansion of the current cemetery.
5 The land is currently vacant. The Ivy
6 Hill Cemetery Company has met with the
7 area civic association and presented
8 detailed plans on two different
9 occasions. The civic association has
10 offered no objections to this proposal.

11 The Philadelphia City Planning
12 Commission will consider this matter at
13 its meeting of November 20, 2007, with a
14 staff recommendation for approval.

15 This concludes my testimony. I
16 appreciate the opportunity to appear
17 before you today and we'd be pleased to
18 answer any questions you may have.

19 COUNCIL PRESIDENT VERNA:

20 Mr. Kramer, the property description
21 states that it is a property, quote,
22 "containing 3.1442 acres USS." Does that
23 mean United States Survey? What does
24 that mean?

25 MR. KRAMER: Yes, ma'am.

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2 There's a difference between -- as you
3 look at the description, they have 3.14
4 acres USS --

5 COUNCIL PRESIDENT VERNA:

6 There's a discrepancy in the amount of
7 acreage.

8 MR. KRAMER: Right, because of
9 the Philadelphia district standard. It's
10 a survey anomaly, and in Philadelphia,
11 there's a district survey standard that's
12 used. The survey district gentleman
13 would be better able to explain it, but I
14 know that it exists and there's a
15 difference between U.S. standard and
16 Philadelphia district standard. It is
17 the basis why the Planning Commission
18 requires that any survey plans that we
19 get be reviewed by the District Survey
20 Office to make sure that that discrepancy
21 is taken care of.

22 COUNCIL PRESIDENT VERNA: Very
23 well.

24 Is the approval of this
25 ordinance all that is necessary to allow

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2 the use of the subject property as a
3 cemetery or does the city or state
4 require any special permits to operate a
5 burial ground?

6 MR. KRAMER: I am not aware of
7 any state regulations in regards to this
8 either way. The City does require that
9 an ordinance of Council be instituted for
10 any lands to be used as a cemetery. It's
11 in the 14-1600 section of the Code. I
12 believe 1601, if I'm correct.

13 COUNCIL PRESIDENT VERNA: So
14 with the passage of this ordinance --

15 MR. KRAMER: Is required for
16 any land to be used as a cemetery.

17 COUNCIL PRESIDENT VERNA: Very
18 well.

19 Any questions from members of
20 the Committee?

21 The Chair recognizes Councilman
22 Greenlee.

23 COUNCILMAN GREENLEE: Thank
24 you, Madam President.

25 Just quickly, Mr. Kramer. You

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2 said the land is presently vacant. Do
3 you know what it was at one time?

4 MR. KRAMER: No, sir, I do not.

5 COUNCILMAN GREENLEE: Do you
6 know what it's zoned?

7 MR. KRAMER: I'm not aware of
8 what it's actually zoned. We didn't look
9 into that at this point, in that when it
10 was considered, regardless as to what
11 it's zoned, with the passage of the bill,
12 the zoning became immaterial.

13 COUNCILMAN GREENLEE: No. I
14 understand. I was just wondering the
15 background of it; that's all. All right.
16 Thank you.

17 MS. LOSIER: There are some
18 witnesses that are --

19 COUNCIL PRESIDENT VERNA: Did
20 you want to approach the witness table?
21 Do you want to approach the witness
22 table, identify yourself, and I don't
23 know.

24 MS. LOSIER: This is Sharon
25 Losier, Legislative Aide for Councilwoman

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2 Tasco.

3 There are some witnesses from
4 the cemetery Board that are available for
5 questions with respect to the previous
6 use of the land.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 Do you mind approaching the
10 witness table?

11 Good morning. Please identify
12 yourself for the record.

13 MR. BARBER: Yes. May it
14 please the Rules Committee, my name is
15 Christopher Barber. I'm attorney for The
16 Ivy Hill Cemetery Company, and also up
17 here is David Drysdale, the
18 Superintendent of Ivy Hill Cemetery
19 Company, and Earline Barber, Jr., the
20 President of Ivy Hill Cemetery Company,
21 and we thank Mr. Kramer for his
22 testimony.

23 In essence, what we have here
24 is, the cemetery is running out of space
25 for burial. It's been -- the cemetery

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2 was established in 1867. There is an
3 ordinance that -- well, the Zoning Code,
4 it's Chapter 14-1602 states that any new
5 land would need to be, past 1886, would
6 need to be approved by ordinance. And
7 there is an adjacent lot approximately
8 three acres in size that butts up right
9 against the cemetery. It would be ideal.
10 It is vacant. I believe it's zoned
11 residential right now. And we have had
12 two community meetings, and Attorney
13 Losier was there as well. There's no
14 objection that we're aware of. They're
15 in full support of it.

16 We have -- if the Rules
17 Committee would like to see a map, I can
18 show them a larger map, and we have a
19 small map we can give to you if you're
20 interested.

21 I'm happy to answer any
22 questions.

23 COUNCILMAN GREENLEE: You said
24 it was zoned residential. Again, I
25 certainly don't have a problem with this.

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2 I was just wondering what was there
3 before, if anybody knows; that's all.
4 Maybe it's been too long that nobody
5 remembers.

6 MR. BARBER: Nothing. There
7 are just trees and woods.

8 COUNCILMAN GREENLEE: But it's
9 zoned residential. Okay.

10 COUNCIL PRESIDENT VERNA: Okay.

11 Any other questions or comments
12 from members of the Committee?

13 (No response.)

14 COUNCIL PRESIDENT VERNA:
15 Gentlemen, thank you very much.

16 MR. BARBER: Thank you.

17 COUNCIL PRESIDENT VERNA: Do we
18 have anyone else to testify on this bill?

19 (No response.)

20 COUNCIL PRESIDENT VERNA:

21 Seeing no one, I would then ask
22 Mr. McPherson to please read --

23 MS. LOSIER: Madam President,
24 we would be asking for a suspension of
25 the rules with respect to --

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2 COUNCIL PRESIDENT VERNA: And
3 we'll be happy to consider it. Thank
4 you.

5 MS. LOSIER: Thank you.

6 MR. BARBER: Thank you very
7 much.

8 MR. McPHERSON: Bill No.
9 070366, an ordinance amending Title 14 of
10 The Philadelphia Code, entitled "Zoning
11 and Planning," by amending Section
12 14-102, entitled "Definitions," and
13 creating a new Section 14-114 of The
14 Philadelphia Code, entitled "Sustainable
15 Zoning," to require certain buildings to
16 have a green roof, all under certain
17 terms and conditions.

18 COUNCILMAN KENNEY: Madam
19 President?

20 COUNCIL PRESIDENT VERNA: Yes.
21 The Chair recognizes Councilman Kenney.

22 COUNCILMAN KENNEY: Prior to
23 the start of this particular part of the
24 hearing, I wanted to make sure that the
25 members of the Committee and that the

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2 people testifying understood that there
3 is an intended amendment that I will be
4 offering, which will change the building
5 square foot area from 90,000 to 50,000
6 square feet and require that the building
7 be no higher than five stories, and
8 there's some other technical amendments,
9 but the scope of the bill has changed a
10 bit from 90 to 50. And people who are
11 here to support the concept can explain
12 issues relative to height of the building
13 and effectiveness of the green roof as
14 the building gets higher.

15 COUNCIL PRESIDENT VERNA: Very
16 well.

17 Mr. Kramer, are you testifying?

18 MR. KRAMER: Yes, ma'am. Good
19 morning, Council President Verna and
20 members of the Rules Committee. I am
21 William Kramer, Acting Division Director
22 of the Development Planning Division of
23 the Philadelphia City Planning
24 Commission. I am here today to testify
25 on Bill No. 070366, which was introduced

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2 by Councilmembers Kenney and DiCicco on
3 May 3, 2007.

4 Bill No. 070366 creates a new
5 Section 14-114 of The Philadelphia Code,
6 entitled "Sustainable Zoning." This bill
7 will require buildings that occupy a
8 minimum area of 90,000, to be amended to
9 50,000, square feet to have a green roof
10 for at least 75 percent of the eligible
11 rooftop space regardless of the zoning
12 designation in which it is located.

13 The Philadelphia City Planning
14 Commission at its meeting of October 16,
15 2007 considered Bill No. 070366 and
16 recommended that Council table this bill.
17 The Commission fully supports the concept
18 of sustainable development. We believe
19 that green roofs in general will be a
20 valuable tool in helping to curb some
21 existing urban woes such as the heat
22 island effect and storm water management
23 issues. However, it is believed that
24 this bill represents an incremental
25 approach to dealing with such an

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2 important issue, which should be dealt
3 with in a more comprehensive fashion.

4 There is also a concern that a central
5 location for sustainable development
6 should be created within the Code so that
7 all aspects of sustainable development
8 would be addressed in one location within
9 the Code.

10 There have also been some
11 technical concerns brought to our
12 attention which should be addressed
13 before applying this regulation citywide.
14 Those technical concerns include concerns
15 about the compatibility of requiring this
16 type of roof on buildings containing
17 certain uses, determining if the minimum
18 area required for the placing of green
19 roofs is appropriate, and taking a look
20 at the possible unintended consequences
21 of such an ordinance.

22 This concludes my testimony. I
23 appreciate the opportunity to appear
24 before you today and would be pleased to
25 answer any questions you may have.

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2 COUNCIL PRESIDENT VERNA:

3 Mr. Kramer, I don't know if you've seen
4 Councilman Kenney's amendments.

5 MR. KRAMER: No, ma'am, I have
6 not.

7 COUNCIL PRESIDENT VERNA: Okay.
8 I was just wondering if his amendments
9 would address some of the technical
10 concerns which you have indicated.

11 MR. KRAMER: They may. Without
12 having seen them, it's difficult to say
13 for certain. However, recognizing that
14 the square footage size is reduced was
15 certainly one of the concerns that we
16 had.

17 One of the other concerns that
18 was brought to the Planning Commission's
19 attention was by making a requirement for
20 a green roof on all buildings, there are
21 certain industrial uses involved in the
22 food-making process that there was a
23 concern that microorganisms living on a
24 green roof might somehow infiltrate into
25 that process. I'm not the technician to

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2 answer that definitively, but it was a
3 concern that was raised to the
4 Commission, and we have not had a chance
5 to track that down scientifically to
6 answer that one in particular.

7 Additionally, by a green roof
8 standard, the other concerns on
9 unintended consequences is, this is the
10 kind of thing that would require all
11 roofs be flat as opposed to the
12 Convention Center, which was just here,
13 which is essentially barrel roofs. And
14 there's a number of different options
15 that are open to us, such as solar roofs,
16 which are considered blue roofs, and
17 white roofs, which have some of the same
18 effects in terms of the heat island
19 effect, which may not necessarily help
20 the storm water management, but would in
21 fact help the heat island effect of these
22 types of roofs. To that end, the
23 Planning Commission has in fact been
24 working with a number of different groups
25 that are hoping to set an 80 percent

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2 reduction in the emissions in
3 Philadelphia by 2050 and using a variety
4 of different high-energy efficient
5 roofing, including the green, white and
6 the solar roofs. We were looking at the
7 building capacity of the regional economy
8 to support high-performance buildings,
9 and we were trying to work with the other
10 civic associations and working groups to
11 increase the understanding of energy
12 investments among the policymakers, the
13 general public and the labor force.

14 And, again, the Planning
15 Commission at their meeting were
16 certainly in support of the idea of
17 having green roofs in the City. We think
18 it's a large component of sustainable
19 development and should be, but it
20 shouldn't be the only thing that we do,
21 and we're trying to put together a
22 comprehensive plan to that end, and
23 that's the reason that the Commission
24 specifically advised me to request that
25 it be tabled.

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2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 The Chair recognizes Councilman
5 Kenney.

6 COUNCILMAN KENNEY: Thank you,
7 Madam President.

8 With all due respect, all of
9 the recent environmental issues we've
10 been talking about, either in the
11 Committee on the Environment or here at
12 the Rules Committee, the Administration
13 has said they don't want to take an
14 incremental approach. The problem with
15 that is is that, number one, the passage
16 of any of these bills does not prohibit
17 an overall plan coming forward in the
18 future and adjustments to existing
19 legislation that attempts to get us in
20 this direction.

21 Secondly, I mean, I don't know
22 what the Administration has been doing up
23 until recently relative to sustainable
24 designs, sustainable issues and
25 environmental issues, but I haven't seen

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2 anything coming from the Administration
3 legislatively in eight years for us to
4 consider and pass.

5 So when we are talking about
6 plug-in hybrids for residential use and
7 those kinds of issues, I believe that
8 nothing can't be changed if it's not
9 working out, but in the mean time, if we
10 wait for the overall comprehensive plan,
11 I think you mentioned the year 2050, it's
12 probably the time we'll get it done.

13 So I would like to move forward
14 with it. There's some expert witnesses
15 here today that will talk about some of
16 the issues that Mr. Kramer raised about
17 all roofs having to be flat. That's not
18 the case. Green roof technology has been
19 in place in Europe now for probably 60,
20 70, 80 years, and in cities like Chicago,
21 who have been at the forefront of this,
22 it has worked very effectively and it's
23 been a requirement for large big-box kind
24 of development buildings.

25 So I think we're way behind the

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2 cutting edge. We're just kind of
3 catching up here, and rather than wait
4 for this big omnibus bill that's going to
5 deal with all of our LEED and sustainable
6 design issues, I would more like to try
7 to replicate what's been successful
8 around the country and the world rather
9 than waiting for something big coming
10 forward.

11 So with that said, I would ask
12 the panel to keep an open mind relative
13 to our expert witnesses who can address a
14 lot of the issues that have been raised.

15 Thank you.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 Thank you, Mr. Kramer. You'll
19 remain, please.

20 MR. KRAMER: Yes, ma'am.

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 Oh, I'm sorry. Mr. Kramer.

24 The Chair recognizes Councilman
25 O'Neill.

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2 COUNCILMAN O'NEILL: Thank you.

3 And I agree with what Councilman Kenney
4 said. The world is passing us by as we
5 are thinking of our big plan. My concern
6 isn't whether we do it incrementally or
7 do it in a more macro way, but that we do
8 it. And the Charter would have never
9 been changed if we were waiting for the
10 big Charter change, since we don't seem
11 to be able to get that done.

12 But I also wanted to know, the
13 one time that this Administration did
14 step into an environmental building
15 debate, I think they left with soot on
16 their face, and I wanted to know if the
17 Planning Commission was involved in that.
18 This is the Comcast building that was
19 held up because they wanted to put in
20 no-flush urinals that had been in New
21 York for several years and some other
22 cities, and the big compromise led by the
23 second floor was that, yeah, you can have
24 no-flush urinals, but you have to put all
25 the pipes in, which defeats the whole

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2 purpose, so that if they ever don't work,
3 we will be able to flush them. And
4 Comcast had to eat an enormous expense
5 because of that, and I'm sure the word
6 traveled outside Philadelphia very
7 quickly to the Comcasts of the world that
8 want to build large buildings in big
9 cities that we're still living in the
10 last century. Comcast wanted to get that
11 green certification badly enough that
12 they were willing to spend millions of
13 dollars extra, but I thought it was a
14 disgrace for the City to lead that
15 discussion. I just wanted to know what
16 role the Planning Commission played in
17 that.

18 MR. KRAMER: The Planning
19 Commission, while we did hear the Comcast
20 building as an information only item,
21 there was no zoning variance that I
22 remember the Commission ever having
23 considered. The Commission --

24 COUNCILMAN O'NEILL: Do you
25 weigh in on issues like this?

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2 Mr. Kramer, back when your Director was
3 here and we were talking about the sewage
4 tank issue up by Holy Family University,
5 I said if we have a Planning Commission,
6 get involved in the planning, weigh in at
7 least, have a say, have a voice, be a
8 Planning Commission. Don't just come and
9 say, We're against this, we're carrying
10 water with a message. We expect more
11 from the Planning Commission to help us
12 and help our citizens make decisions.
13 And here again, I can't imagine the
14 Planning Commission not wanting to put
15 our best foot forward with any green
16 building that someone is willing to offer
17 to do.

18 So you played no role at all?

19 MR. KRAMER: We approved the
20 plans for the Comcast Center. They came
21 in. I was personally involved in
22 reviewing the plans, and we approved them
23 at the Planning Commission. The subject
24 of the plumbing code and the urinals and
25 whether they were waterless or watered

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2 was not part of the review that the
3 Planning Commission at that time was
4 doing, because the review by Charter and
5 what we are required to approve is the
6 footprint and we're making sure that they
7 meet the design requirements involved in
8 C-5. As the Code exists today, there are
9 not environmental concerns in the Zoning
10 Code that we could utilize as a tool or a
11 lever to implement the kinds of concerns.

12 And I happen to agree with what
13 you're saying. You're right. But where
14 was the venue for the Planning Commission
15 to make those comments? This was not a
16 subject that was in a venue that the
17 Planning Commission could make a contact
18 one way or the other.

19 COUNCILMAN O'NEILL: And you're
20 here again with the same limitations. I
21 respect your coming in here to bring a
22 message, but this is an area I think we
23 really have to lead in rather than follow
24 or crawl. If we've got plans like this,
25 we have to really take advantage of them.

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2 And I understand the position the
3 Planning Commission is often in. You
4 work for a Commission that is appointed
5 by the Mayor and often times takes action
6 or inaction. It's not just this Mayor.
7 I don't want to single this Mayor out in
8 that regard. And hopefully with the new
9 appointments that we'll have under the
10 Charter change, it will have some impact
11 in a positive way on this kind of thing.

12 Thank you.

13 MR. KRAMER: Thank you.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 The Chair recognizes Councilman
17 Clarke.

18 COUNCILMAN CLARKE: Thank you,
19 Madam President.

20 Madam President, I don't
21 necessarily have a question of Mr. Kramer
22 and the Planning Commission. I have a
23 couple of issues that need to be
24 addressed representing a district that
25 has a significant number of large-scale

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2 developments in the planning stages, and
3 as I hear the 50,000 square foot number,
4 the first thing that popped in my mind is
5 that we're in the midst of trying to put
6 together a deal to do a 50,000 square
7 foot supermarket and we have a
8 significant funding gap, and the first
9 thing in my mind is how much is this
10 going to cost, how is it going to impact
11 on that particular development.

12 There are a number of
13 large-scale developments proposed in the
14 Center City portion of my district. How
15 is that going to impact those
16 developments? What's going to be the
17 costs associated with providing green
18 roofs? And I understand that Councilman
19 Kenney on the sidebar told me that there
20 are a number of witnesses to testify on
21 some issues, but I'm a little concerned
22 about that and what the responses would
23 be from some of the developers that are
24 proposing developments in my district,
25 what's their sentiment, what's their

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2 perspective on how this would impact on
3 them. And I, frankly speaking, would
4 like to have some sense of what -- and I
5 don't know if the Planning Commission --
6 I assume you all interact on a consistent
7 basis with anybody that comes in and
8 wants to build a big building in Center
9 City or somewhere in the district.

10 MR. KRAMER: Anywhere in the
11 City, yes, sir.

12 COUNCILMAN CLARKE: And I'd
13 like to have a sense of what their mind
14 set is as it relates to the impact of
15 this proposal.

16 Conceptually, I'm there. I've
17 been there for a while. I had the
18 pleasure, at the recommendation of
19 Councilman Kenney, actually looking at
20 some of the green roofs in Chicago. I
21 actually looked at the Chicago City Hall,
22 and it was quite impressive to see
23 grasshoppers up on the roof of City Hall
24 and bumblebees and flowers. It was like
25 amazing.

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2 So conceptually, I'm there, but
3 I'm just concerned without having a clear
4 sense of its impact, particularly
5 financially, on some of these proposals.

6 So it's not necessarily a
7 question to anyone. I'm just throwing it
8 out there, because that is something that
9 I'm a little concerned --

10 COUNCILMAN KENNEY: Madam
11 President, point of information.

12 COUNCIL PRESIDENT VERNA: Yes,
13 sir.

14 COUNCILMAN KENNEY: Council, I
15 think, will remember that we had passed
16 the BPT tax credit for developers who put
17 on green roofs, either voluntarily or
18 required. That would be up to 25 percent
19 of the project cost or up to \$100,000 in
20 costs that would be covered as a BPT tax
21 reduction.

22 Additionally, developers are
23 now required to deal with state
24 regulations dealing with storm water
25 management. So there are requirements

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2 that the state has that is imposed upon
3 the developers now to manage their storm
4 water more efficiently. There's a cost
5 associated with that, and the green roof
6 is one of the acceptable methods -- and
7 the Water Department will talk about that
8 hopefully -- one of the acceptable
9 methods of dealing with storm water
10 runoff.

11 So there are state mandates
12 already in place for this storm water
13 issue, and what we're trying to do is to
14 give them some additional tax credit
15 towards complying with state regulations
16 and all the other environmental positive
17 impacts that the green roof would bring.

18 So I just wanted to make sure
19 in the context of the discussion on cost
20 that that was understood.

21 Thank you.

22 COUNCILMAN CLARKE: Thank you,
23 Councilman. And, actually, another issue
24 that I may have some concerns about since
25 you reference the storm water management,

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2 something that I guess the Administration
3 implemented a year or so ago, requirement
4 of storm water management proposal in the
5 City of Philadelphia. We clearly were
6 not prepared in terms of staffing and
7 regulatory process, and it has impacted
8 us dramatically in terms of moving
9 projects through the process in a
10 negative way. And I would like to, if in
11 fact we implement this particular
12 proposal, that prior we do that, we make
13 sure that the necessary regulatory
14 processes and staffing are in place to
15 ensure that we don't end up where we were
16 with this whole storm water management
17 issue.

18 I think recently we were up at
19 the Pennsylvania Housing Finance Agency.
20 We had submitted a significant number of
21 projects to be funded by the state on
22 affordable housing projects, and we were
23 told by the state that Philadelphia was
24 not going to be given any funding in this
25 particular round, and the sole basis for

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2 that is because of the projects that had
3 funding commitments from prior months and
4 prior Board hearings had not moved. And
5 when we determined what the problem was
6 in terms of those projects moving in a
7 timely way, it all pointed to our
8 inability to adequately move the storm
9 water management process. And so it cost
10 us significant amounts of dollars at the
11 state level for affordable housing.

12 So I would like to make sure
13 that if this program is implemented, that
14 we're in a position to adequately address
15 the requirements as it relates to that.

16 COUNCILMAN KENNEY: Madam
17 President, just one other comment.

18 COUNCIL PRESIDENT VERNA: The
19 Chair recognizes Councilman Kenney.

20 COUNCILMAN KENNEY: One other
21 comment on cost.

22 The most cost-effective time to
23 implement a green roof technology is at
24 the construction of the building. It is
25 more expensive to retrofit a building.

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2 That's what was the reason for the tax
3 credit. But when you are building a new
4 building, it is significantly less
5 expensive to implement that in your
6 design and construction than it is to
7 retrofit. So this particular bill would
8 be for all new constructed buildings.
9 And, again, our experts from the green
10 roof world will kind of illuminate us on
11 all those issues.

12 Thank you.

13 COUNCIL PRESIDENT VERNA: Any
14 other questions or comments from members
15 of the Committee?

16 The Chair recognizes
17 Councilwoman Brown.

18 COUNCILWOMAN BROWN: Thank you,
19 Madam President.

20 Mr. Kramer, does there
21 currently exist a subcommittee of the
22 Planning Commission that is, in a very
23 strategic or comprehensive way, talking
24 about sustainability and greening and all
25 that that means?

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2 MR. KRAMER: Yes, ma'am, there
3 are. Part of our Strategic Planning, our
4 Long-Term Planning Division, there are
5 members of that unit that are working not
6 solely by themselves but working with
7 other groups to try to put together a
8 whole energy coalition for sustainable
9 development. Yes, ma'am.

10 COUNCILWOMAN BROWN: How old is
11 that committee?

12 MR. KRAMER: It's at least a
13 year old, maybe a little longer. The
14 gentleman there would know. I'm not
15 certain exactly when they went into play,
16 but at least a year, maybe more.

17 COUNCILWOMAN BROWN: And when
18 they first sat down, did they put an end
19 date in mind for the completion of a
20 report as such?

21 MR. KRAMER: I'm not certain of
22 that. I'd have to ask Mr. Haak of our
23 office for that.

24 COUNCILWOMAN BROWN: Mr.?

25 MR. KRAMER: John Haak,

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2 H-A-A-K.

3 COUNCILWOMAN BROWN: And he is
4 the?

5 MR. KRAMER: He's working in
6 our Strategic Planning Division and he's
7 leading the sustainable development
8 process. He's pretty much our
9 environmental -- one of our environmental
10 long-term gentlemen. He would know the
11 dates.

12 I know that it's an ongoing
13 process. It's not something that they
14 said at the end we're going to have a
15 project or a paper done by 2007, 2008.
16 That's not what they're doing. They're
17 working as a process to both understand
18 exactly what they need to do, determine
19 the best policies to do it and educate
20 and bring everyone along at the same
21 time. And so they do have some long-term
22 goals, but they're long-term goals, not
23 necessarily something for the immediate
24 future.

25 COUNCILWOMAN BROWN: So I'm

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2 really trying to make a connect between
3 the Administration's request to push the
4 pause button and the interest and energy
5 of the Environment Committee to move
6 along. Isn't it possible we could have
7 two tracks of activity here while the
8 Planning Commission does what it needs to
9 do, we on the Environment Committee
10 proceed with the interests that we have?

11 MR. KRAMER: It certainly is a
12 possibility. I would hope that we could
13 work together to do that together.

14 COUNCILWOMAN BROWN: And by
15 that, you mean what? Inviting us to
16 those meetings or inviting you all to our
17 meetings, or what?

18 MR. KRAMER: I would think both
19 ways would work. I would imagine I will
20 speak to Mr. Haak when I get back to my
21 office, and I'm certain that he would be
22 willing to extend an invitation to any
23 member of Council for that.

24 COUNCILWOMAN BROWN: Well,
25 we're going to make a formal request that

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2 he extends a formal invitation to the
3 Councilmembers who will be interested in
4 those discussions.

5 MR. KRAMER: That would be
6 fine.

7 COUNCILWOMAN BROWN: Okay.
8 Thank you.

9 COUNCIL PRESIDENT VERNA:
10 You're welcome.

11 The Chair recognizes Councilman
12 Kenney.

13 COUNCILMAN KENNEY: Thank you,
14 Madam President. On that comment or that
15 request, I would echo Councilman
16 O'Neill's earlier comments, that there
17 are 68 days left in this Administration.
18 There's a Charter change that has
19 substantially changed that will change
20 the makeup of the next Planning
21 Commission, and we could be talking
22 another year at least before we could
23 really start implementing these kinds of
24 policies and these kinds of ordinances,
25 and I'm just really not willing to wait

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2 that long.

3 And, again, I will reiterate
4 the fact that we can change anything that
5 doesn't work and we can also fold in a
6 comprehensive plan when it comes to the
7 existing things that we're doing now. I
8 don't believe we should actually be
9 waiting and talking some more. I mean, I
10 don't mind continuously talking, but I
11 don't think the talk should hold up what
12 we're trying to do.

13 Thank you.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 Any questions or comments from
17 members of the Committee?

18 (No response.)

19 COUNCIL PRESIDENT VERNA:
20 Mr. Kramer, thank you.

21 MR. KRAMER: Thank you.

22 MR. McPHERSON: Our next
23 witness is Gail Harrity from the
24 Philadelphia Museum of Art.

25 COUNCIL PRESIDENT VERNA: Good

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2 morning. Welcome. Nice seeing you.

3 MS. HARRITY: Thank you very
4 much. Good morning. I'm pleased to be
5 here this morning. I'm Gail Harrity, the
6 Chief Operating Officer of the
7 Philadelphia Museum to Art, and I am very
8 pleased to be testifying in favor of Bill
9 070366 introduced by Councilmembers
10 Kenney and DiCicco, and I will also say
11 I'm delighted to be presenting very
12 briefly the Museum's landscaped sculpture
13 garden and parking garage project this
14 morning. I want to make it a point of
15 thanking Councilmembers Darrell Clarke
16 and Bill Greenlee for supporting this
17 project from its conception, and, in
18 fact, thank you to Madam President for
19 your support.

20 This project has been a green
21 project from the start. It was conceived
22 as a green roof project, and it is
23 perhaps the feature of the project, which
24 has transformed a parking garage into an
25 added parkland and a new amenity for the

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2 neighbors and the citizens of
3 Philadelphia to enjoy.

4 I want to present a few slides
5 on the project just to briefly describe
6 the project, and then I'd be happy to
7 answer any questions.

8 Actually, just beginning here
9 with the history of the project, you see
10 the Museum, the aerial view, and the
11 parking garage site is right here. It
12 has an interesting history in terms of
13 its environmental aspects, because when
14 the Museum was first built in the 1920s,
15 it was built on a reservoir and the
16 excavated rock from the construction in
17 the '20s was reused to create terracing
18 around the Museum. The excess boulders
19 that were excavated were put in this
20 area, creating a man-made hill. So for
21 the last 60 or 80 years, that hill has
22 served the park well.

23 Now, our project is to
24 reexcavate this area, removing the
25 boulders once again, and they will be --

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2 when the garage is completed, the
3 boulders, as in the 1920s, will be reused
4 to increase the landscaping around the
5 garage. So we are reusing the boulders
6 and the topsoil from the site.

7 Again, looking at an aerial
8 view, the site of the garage is right
9 here. You can see very -- I hope you can
10 see clearly that what was an extension of
11 Fairmount lot and a surface lot, which
12 previously provided -- was a blacktop
13 part of the park providing surface
14 parking for about 80 cars will now be
15 replaced with a garage that has -- that
16 not only creates additional green space
17 for the park but provides parking for 440
18 cars.

19 When the project is complete,
20 there will be a net reduction of
21 impervious cover as compared to the
22 original surface lot.

23 The project also significantly
24 enhances the connections between Kelly
25 Drive and the Schuylkill River Park for

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2 bicyclists and pedestrians, eliminating
3 the surface lot, which was really an
4 impediment for easy access. Bikers and
5 joggers had to run through a crowded
6 parking lot. Going forward, they will be
7 running through parkland.

8 Here is an overview again of
9 the project that are designed by Atkin
10 Olshin Schad and Olin Partners. I hope
11 you can see it clearly. There are two
12 entrances. This is the west facade of
13 the Museum, the Italian Foundation.
14 There's an entrance into the garage from
15 the Italian Fountain and from Art Museum
16 Drive.

17 What you can see a little bit
18 here are these long spaces, which are the
19 ventilation troughs, which allow the
20 project to be naturally ventilated;
21 therefore, using no energy in exhausting
22 the garage. You can see a corner of it
23 here and a long section of the areaway in
24 this location.

25 The majority that -- the roof,

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2 as you see, is a green roof. It's hard
3 to determine where the park ends and the
4 project begins. The sculpture garden
5 terrace on top of it is officially
6 labeled an intensive green roof, meaning
7 that it has deep soils to support large
8 tree growth and human activity, and the
9 majority of the rain falling on the roof
10 terrace will be absorbed in the soils and
11 will not run into the storm water system.
12 Again, the project then has been very
13 beneficial to storm management.

14 You'll see here there's a small
15 pavilion and -- it's very hard to see in
16 this picture, but a small pavilion which
17 rises up, giving people using the lot
18 access to the west entrance to the
19 Museum, to the Perelman Building across
20 Kelly Drive or to the future reopened
21 entrance to the Museum, which is part of
22 our future master plan.

23 This slide gives you another
24 image, a section view, of the underground
25 garage. You see four stories of parking

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2 here and three stories there, and on
3 either side of the garage is a deep
4 trough that allows, as I said earlier,
5 for natural ventilation of the garage.
6 This enables us to have not only a
7 beautiful park setting above, it removes
8 the need for any mechanical equipment,
9 which would either provide noise
10 pollution or just an unsightly aspect of
11 the project, and it's, therefore,
12 respectful of the park setting and of the
13 neighbors, who don't want to overlook
14 that equipment or hear the mechanical
15 systems operating.

16 Again, another close image just
17 again showing you the system right here.

18 And then a few images of the
19 project. Again, you see these huge
20 boulders, which are being reused in the
21 project. And the construction is
22 underway. We anticipate that the project
23 will be complete in the spring of '09,
24 and the hillside will be replanted and
25 richly replanted, restoring the original

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2 height. And I think that the aspects of
3 the project are really spectacular from
4 our perspective because not only does it
5 transform parkland into revitalized
6 space, but it does add this new amenity
7 of an outdoor sculpture garden for the
8 public to enjoy. I think it also
9 addresses a very significant need by
10 Museum visitors, park users and the
11 neighborhood to provide additional
12 parking and, as I have said, without
13 paving over parkland.

14 It rejoins -- it allows us to
15 rejoin significant elements of the park
16 from the Museum down through the Azalea
17 Garden, and it provides spectacular new
18 views of the river, of the Water Works,
19 the Boat House and the Italian Fountain,
20 Reilly Memorial and the like.

21 So just in sum, I would say we
22 are very pleased with the project. It's
23 running on time and on budget, and it
24 will reduce the runoff of valuable
25 rainwater by removing impervious asphalt

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2 and providing permeable planted areas.
3 It reduces the size of storm water
4 infrastructure required to carry away any
5 rainwater. It provides a ventilation
6 system through areaways, providing free
7 flow of fresh air, and it reuses the
8 existing boulders to create the planting
9 terraces and the screen, which disguise
10 and prevent from view the open
11 ventilation system.

12 With that, there are just a few
13 renderings of what the project will look
14 like at its completion. Here is a view
15 from Kelly Drive. When trees are in full
16 foliage, you'll see very little aspects
17 of the garage, and, again, it should not
18 alter the view from the Italian Fountain
19 to the Museum. You see the project just
20 ever so slightly here on the left.

21 And, lastly, here is the glass
22 pavilion, which will also have a green
23 roof, that provides access for parkers to
24 the west entrance to the Museum and to
25 the Perelman Building across the street.

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2 So I could answer any
3 questions, but I'd just like to reiterate
4 we're pleased to present the project
5 before you and pleased to testify in
6 favor of the bill.

7 COUNCIL PRESIDENT VERNA: Thank
8 you. Well done, as usual.

9 Any questions or comments from
10 members of the Committee?

11 (No response.)

12 COUNCIL PRESIDENT VERNA:
13 Again, thank you very much, Gail.

14 MS. HARRITY: Thank you very
15 much.

16 MR. McPHERSON: Our next
17 witness is the Philadelphia Water
18 Department.

19 COUNCIL PRESIDENT VERNA: Good
20 morning.

21 COMMISSIONER BRUNWASSER: Good
22 morning. Good morning, Council President
23 Verna and members of the Rules Committee.
24 I am Bernard Brunwasser, Commissioner of
25 the Philadelphia Water Department, and

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2 I'm here today to testify on Resolution
3 No. 070366 amending The Philadelphia Code
4 to create a new Section 14-114, entitled
5 "Sustainable Zoning." With me today on
6 my right is Mr. Steve Furtek, who is our
7 General Manager for Planning and
8 Engineering and also serves as our Chief
9 Engineer, and to my left is Mr. Howard
10 Neukrug, who is the Director of our
11 Watersheds Program.

12 The Council's interest in green
13 infrastructure and sustainability
14 practices is strongly supported by the
15 Water Department. As you know, we are
16 charged with the management of the City's
17 programs for combined sewer overflow,
18 storm water management and source water
19 protection. These programs have been
20 fully integrated into a watershed
21 management-based approach that uses land,
22 waterway infrastructure and
23 sustainability practices to support
24 policies and programs targeted to protect
25 our drinking water supply and the

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2 propagation and protection of fish and
3 wildlife habitat. Our watershed
4 protection strategies focused on our
5 water resources are designed to
6 complement the region's green development
7 practices, recreation, ecotourism and
8 sustainable riverfront redevelopment
9 efforts.

10 Green roofs help keep storm
11 water out of our sewers by using the
12 building's roof to mimic nature's roles
13 of evapotranspiration, storage and
14 filtration of rainwater. Green roofs
15 provide a green community amenity while
16 supporting our overall goal to eliminate
17 threats of flooding and sewer overflows,
18 and it does so in a manner that limits
19 the cost and disturbance of subsurface
20 tank or pipe solutions to these same
21 problems.

22 Green roofs also provide other
23 significant community and environmental
24 benefits such as urban heat island
25 reduction, air quality improvement,

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2 reduction of greenhouse gases, improved
3 energy efficiency, habitat improvement
4 and community greening. These goals are
5 well aligned with the City's overall
6 sustainability strategies.

7 Beginning January 1, 2006, the
8 City of Philadelphia began requiring
9 storm water management on any development
10 or redevelopment project that results in
11 an earth disturbance greater than 15,000
12 square feet. The new rules are
13 complicated, but, in essence, we are
14 looking toward the development community
15 to help return their developed land to as
16 close to natural storm runoff conditions
17 as is practical. As part of our program
18 to encourage green solutions in new
19 building designs, we consider a building
20 with a green roof to have met the base
21 water quality requirements for the
22 project, which typically exempts the
23 project from other provisions of the
24 regulations.

25 As a result of this green light

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2 on green roofs, we are seeing more and
3 more green roof projects coming to the
4 City for the permit review process. To
5 date, we have approved over four acres of
6 green roofs in the last 18 months in the
7 City of Philadelphia. We expect many
8 more in the coming years.

9 As many of you know, the Water
10 Department will be seeking your support
11 in redefining how we charge our customers
12 for managing the City's storm water
13 runoff. Our new system will calculate
14 for non-residential customers the amount
15 of impervious cover each property has and
16 will use that property characteristic as
17 a surrogate for determining the amount of
18 runoff, reflecting the true cost of
19 service for that property for storm water
20 management.

21 Included in that new charging
22 plan will be an incentive for large
23 impervious land owners to convert to
24 green water storm water management
25 practices. Green roofs are to be an

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2 important part of this new charging
3 strategy.

4 In conclusion, the Water
5 Department endorses the concept of
6 encouraging green roofs as part of a
7 larger environmental policy that
8 encourages sustainable strategies for
9 storm water management on all development
10 and redevelopment projects, and
11 recommends installation of green roofs
12 when they are the appropriate technology
13 for the given site conditions.

14 Green roof systems can better
15 replicate the natural hydrologic cycle
16 and have the potential for better
17 long-term function due to the continually
18 growing and self-repairing nature of
19 living systems.

20 The Water Department is
21 strongly supportive of a move toward
22 increasing the green roof canopy in the
23 City of Philadelphia. We have several
24 mechanisms to provide incentives to land
25 owners, city properties and new

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2 development to consider a transition to
3 green roofing technology.

4 We believe that we will be
5 seeing significant growth in the green
6 roof business in the City of
7 Philadelphia, employing designers,
8 contractors and new roof maintenance
9 companies.

10 Green roofs are not the only
11 vegetated storm water management
12 alternative available for developers.
13 While they are among the better
14 alternatives for a large building with
15 limited property area, there may be
16 alternatives to manage the building's
17 storm water runoff in a vegetated system
18 that would provide a hydrologically and
19 environmentally equivalent solution.

20 In conclusion, we encourage the
21 City Council to continue working in this
22 area, and we look forward to working with
23 Council to encourage additional
24 alternative green approaches to meet our
25 common environmental goals.

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2 Thank you for listening to my
3 testimony. I'm ready to answer any
4 questions you may have.

5 COUNCIL PRESIDENT VERNA: Thank
6 you very much, Commissioner.

7 The Chair recognizes Councilman
8 Kenney.

9 COUNCILMAN KENNEY: Thank you,
10 Madam President.

11 Let me try to paraphrase what
12 you said about the storm water charging
13 that you're going to begin to implement.
14 Is it fair to say that if I were a
15 developer building a 50,000 or larger
16 five-story or less building, flat roof,
17 just for argument's sake, that the
18 installation of the green roof could
19 potentially save me money in my storm
20 water management charges under a newly
21 implemented menu of charges?

22 COMMISSIONER BRUNWASSER:
23 That's correct.

24 COUNCILMAN KENNEY: Do we know
25 or have we been able to calculate what

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2 those new charges might be on a building
3 50,000 square feet and two stories tall?

4 COMMISSIONER BRUNWASSER: We
5 have not -- we don't have it in that
6 format and we may be able to get an
7 estimate together later, but for an
8 example -- for example, we could say we
9 have two identical parcels and two
10 virtually identical developments and one
11 developer does a green roof and maybe
12 some other beneficial ways of dealing
13 with storm water runoff to the extent
14 that he avoids 50 percent of the runoff
15 of that parcel, and the other parcel
16 theoretically has no special storm water
17 amenities. The first developer will pay
18 50 percent less in storm water each month
19 than the other one.

20 It's really going to be based
21 on the large parcels in the City, on
22 their potential contribution to our
23 system.

24 COUNCILMAN KENNEY: Now,
25 whether it's green roof or not, you've

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2 also said that the state has required us
3 to enforce their storm water runoff
4 regulations, that they would have to do
5 something anyway to mitigate the runoff.
6 If it's not a green roof, they would have
7 to implement other technologies,
8 underground storage tank, whatever those
9 other options are available, they would
10 have to implement something anyway?

11 COMMISSIONER BRUNWASSER:

12 Correct.

13 COUNCILMAN KENNEY: And that
14 the green roof in new construction is
15 probably the most cost-efficient and
16 effective way of handling that problem.

17 COMMISSIONER BRUNWASSER: It
18 may well be. You know, obviously
19 everything -- the devil is in the
20 details. There may be something else
21 that they could do, but clearly when the
22 building itself takes up the vast
23 majority of the parcel, green roof
24 becomes more and more the answer, I
25 think.

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2 COUNCILMAN KENNEY: And the
3 other issue is is as it comes to large
4 flat developments, 50,000 square feet or
5 more, they are probably the biggest
6 contributors in a storm situation to the
7 conditions that we find in South
8 Philadelphia, for example. And I have to
9 believe that when there was some
10 impervious empty vacant land on Columbus
11 Boulevard south of Washington Avenue,
12 that a lot of that rain went elsewhere
13 other than in our storm system, and that
14 once the advent of Home Depot, Lowe's,
15 IKEA and so on, that rain that hits those
16 roofs are going directly from downspouts
17 into our storm system.

18 COMMISSIONER BRUNWASSER:
19 Councilman, we would have to actually see
20 which way the storm water drains. I
21 mean, theoretically, we know that some of
22 it may drain directly to the river and
23 there may be some that drains into an
24 existing system.

25 COUNCILMAN KENNEY: But what

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2 drains into the river is what hits the
3 ground, not the roof of the building,
4 correct? Anything that hits the roof of
5 the building is going down a downspout
6 into the storm drain?

7 COMMISSIONER BRUNWASSER:

8 That's correct, yes.

9 COUNCILMAN KENNEY: So if we
10 took the cumulative square feet of the
11 South Philadelphia retail development
12 down there, when all the buildings are
13 completed, potentially many, many more
14 thousands and thousands of gallons are
15 going into the storm drains that need to
16 be managed and cleaned and processed and
17 also potentially backing up into
18 neighborhoods, into residential
19 neighborhoods, west of the development;
20 is that fair?

21 COMMISSIONER BRUNWASSER: Yes.
22 That's true prior to our new ordinance --
23 I mean, I shouldn't say ordinance. Our
24 new regulations in 2006, yes.

25 COUNCILMAN KENNEY: Thank you.

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2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 Any other questions?

5 The Chair recognizes Councilman
6 Clarke.

7 COUNCILMAN CLARKE: Thank you,
8 Madam President.

9 I just want to make sure I
10 understand this. Currently, under the
11 current storm water management program,
12 you basically give people several
13 options, but at the end of the day, what
14 is it, the first inch of water must be
15 maintained --

16 COMMISSIONER BRUNWASSER: Yes.

17 COUNCILMAN CLARKE: -- on the
18 property before it goes into the system?

19 COMMISSIONER BRUNWASSER: On
20 site, yes.

21 COUNCILMAN CLARKE: So that
22 could be using tanks, that could be using
23 grass. What are the options?

24 COMMISSIONER BRUNWASSER: Well,
25 infiltration -- go ahead, Howard.

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2 MR. NEUKRUG: There are a whole
3 bunch of methods, whether it's
4 underground storage and release or
5 detention basin or green roof or trees or
6 some combination of different methods of
7 capturing, treating and then releasing or
8 infiltrating the storm water.

9 COUNCILMAN CLARKE: All right.
10 So the green water -- I'm sorry. This
11 green is starting to get to me.

12 The storm water management
13 program currently requires you use a
14 number of options to deal with the first
15 inch of storm water, and currently one of
16 those options is green roofs?

17 MR. NEUKRUG: That's correct.

18 COMMISSIONER BRUNWASSER:
19 Correct. And, Councilman, you had made
20 mention earlier about the length of time
21 it takes to get storm water approval. I
22 know we've spoken on the issue many times
23 for various projects. It is --

24 COUNCILMAN CLARKE: Is Progress
25 Plaza okay, by the way? Are we okay

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2 about Progress Plaza?

3 COMMISSIONER BRUNWASSER: I
4 believe so. They tell me it's fine.

5 But you can understand that in
6 many cases, some of these parcels have a
7 difficult time in meeting those
8 regulations, because they are pretty
9 tough compared to what we used to have,
10 and it takes us in some cases, on the
11 very complex projects, a very long time,
12 many engineering hours to review these
13 things to see whether the architect or
14 engineer on the project has properly
15 handled the storm water, and that's
16 what's been keeping things from moving
17 very speedily along. Some projects go
18 through very quickly. And also there's
19 been a learning curve since the new
20 regulations came in. And some
21 engineering firms out there that do this
22 work, they're relatively new to it and
23 others are very experienced and
24 understand what we need to see when we
25 see their plans.

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2 COUNCILMAN CLARKE: Right. So,
3 in effect, if this bill passes and gets
4 implemented, anything above 50,000 square
5 feet, you will basically have to do green
6 roofs for storm water management, five
7 stories or less and 50,000 square feet or
8 more. Then that will essentially
9 eliminate all of the other alternatives,
10 because it doesn't make sense, from my
11 perspective, if I have to do a green
12 roof, why would I do a green roof and a
13 tank or some other infiltration system.

14 COMMISSIONER BRUNWASSER:
15 Right. I mean, we would have to look at
16 each project individually to make sure
17 that it meets our need. I mean, you
18 could have a 50,000 square foot roof but
19 have a parcel of six acres or something,
20 and that would go a long way to helping
21 you meet your burden, but perhaps not
22 entirely. So it all depends on the
23 individual project.

24 COUNCILMAN CLARKE: So you
25 could conceivably have to do two types of

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2 systems to accommodate --

3 COMMISSIONER BRUNWASSER: Yes,
4 I believe that is conceivable, because
5 we've had projects that have used porous
6 paving, for example, but still had to do
7 something about the roof.

8 COUNCILMAN CLARKE: So we
9 currently deal with multiple types of
10 strategies for some projects?

11 COMMISSIONER BRUNWASSER:
12 Correct.

13 COUNCILMAN CLARKE: Okay. This
14 is an interesting issue. I just want to
15 make sure I understand it.

16 COUNCIL PRESIDENT VERNA: The
17 Chair recognizes Councilman Kenney.

18 COUNCILMAN KENNEY:
19 Commissioner, did you say, as I
20 understood in your testimony, that where
21 appropriate, in an appropriate
22 development -- and I believe the
23 appropriate development at this point is
24 a 50,000 square foot building, five
25 stories or less -- that the green roof is

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2 the most direct and cost-efficient way to
3 meet those standards as opposed to
4 underground tanking or anything else?

5 COMMISSIONER BRUNWASSER: I
6 don't think we can say without exception,
7 but it certainly would probably be that
8 way. You know, I'd be glad to cede it to
9 either of my colleagues here.

10 MR. NEUKRUG: Well, I can't
11 really answer your question directly, but
12 I can say that the green roof certainly
13 provides other benefits beyond storm
14 water, that to the City of Philadelphia
15 it may be beneficial to consider this
16 legislation for green roofs because of
17 other things in addition to the storm
18 water management. If you place storm
19 water management as the sole reason for
20 doing this, then you may be able to find
21 other cost-effective -- more
22 cost-effective ways to approach this, but
23 if you consider everything, green roofs
24 and the legislation does make some sense.

25 COUNCILMAN KENNEY: Again, I

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2 believe we're being fair in this regard
3 because we have provided the tax credit
4 for the BPT, which is a substantial
5 amount of money, one hundred thousand
6 dollars. It will go a long way to cover
7 a lot of the cost of the green roof. So
8 I think we're not trying to put the
9 burden on the developer entirely.

10 But thank you for your
11 testimony.

12 COUNCIL PRESIDENT VERNA: The
13 Chair recognizes Councilwoman Brown.

14 COUNCILWOMAN BROWN: Thank you,
15 Madam President.

16 "Where appropriate" is a big
17 term. So what becomes the factors or
18 criteria that drive the decision to do
19 the green roof in addition to the specs
20 outlined by Councilman Jim Kenney?

21 COMMISSIONER BRUNWASSER: Well
22 I mean, without getting into the bill,
23 what I would say is that the Water
24 Department is not in the position to
25 direct people as to which way to meet

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2 their storm water burden. So it is up to
3 them to figure out how they capture that
4 first inch of rainfall, and then we have
5 to go through all their calculations and
6 all their factoring and make sure that
7 their plan will do that.

8 We don't want to impose
9 ourselves into -- as the Water
10 Department, we don't want to impose
11 ourselves into how a developer does this.
12 As long as they do it in a legal manner,
13 a proper manner and it has the end result
14 of reducing storm water flow off of their
15 property, then we're generally happy.

16 COUNCILWOMAN BROWN: Okay. So
17 then you're saying, then, that the role
18 of the Water Department is to ensure that
19 whatever the developer has outlined
20 clearly meets the test of sufficient or
21 adequate storm water management?

22 COMMISSIONER BRUNWASSER:
23 Exactly.

24 COUNCILWOMAN BROWN: All right,
25 then. Thank you for your testimony.

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2 COUNCIL PRESIDENT VERNA: Are
3 there any other questions or comments
4 from members of the Committee?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: Thank
7 you very much, Commissioner.

8 MR. McPHERSON: Our next panel
9 of witnesses are Vince Muller, Mark
10 Masters, Jeff Jabco, Charlie Miller,
11 Melissa Muroff.

12 COUNCIL PRESIDENT VERNA: Good
13 morning. Welcome. Please identify
14 yourself for the record and proceed with
15 your testimony.

16 MR. MULLER: I guess I'll go
17 first, Madam. My name is Vincent Muller.
18 I'm the Executive Director of the Friends
19 Center located at 15th and Cherry Street,
20 and we're very happy to be here today
21 testifying in favor of this bill.

22 Would the other members like to
23 identify themselves first.

24 MR. MASTERS: I'm Mark Masters.
25 I'm the owner of the Fencing Academy of

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2 Philadelphia on Lancaster Avenue, and I
3 am enthusiastically testifying for this
4 bill, and I believe I am the owner of the
5 oldest green roof in Philadelphia. If
6 not, perhaps one of the older ones in the
7 whole country, covering a large flat
8 area. It's not as large as this
9 proposal. It's about a little over 3,000
10 square feet. But I have ten years now of
11 having had a green roof.

12 MR. JABCO: I'm Jeff Jabco.
13 I'm Director of Grounds at Swarthmore
14 College. I'm in charge of sustainability
15 issues for Swarthmore College, and
16 presently we have two green roofs and two
17 more in the planning stages.

18 MS. MUROFF: I'm Melissa
19 Muroff. I'm one of the principals of
20 Roofscapes. We're a green roof
21 engineering firm and green roof provider.

22 COUNCIL PRESIDENT Verna: Who
23 is going to testify first?

24 Please do.

25 MR. MASTERS: So far, the focus

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2 of the discussion seems to have been on
3 the storm water management issue. I have
4 found since I've had my green roof -- and
5 I couldn't give you exact numbers -- a
6 definite reduction in air conditioning
7 costs. The roof covers my building.
8 Fencers work hard when they're training,
9 and having that roof protect the facility
10 inside has definitely made it cooler.

11 My apartment actually overlooks
12 my green roof. So my green roof is my
13 backyard. And the kind of sunlight
14 that's normally reflected off of a green
15 roof would be heating up my apartment in
16 the summer, and once I had the green
17 roof, it dramatically reduced the amount
18 of heat that was reflecting into my
19 apartment.

20 My building was not built to
21 have a green roof. It was a retrofit two
22 years after the construction. The owner
23 of Roofscapes came to me. His daughter
24 was at my academy and said, I'd like to
25 do this so we could have some place to

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2 begin to show America what can be done
3 with a green roof. I heard about it for
4 a long time. I took the chance that this
5 was something that would work, that could
6 be done, and I've been promoting it and
7 testifying and touring people in my green
8 roof sort of ever since.

9 I think we should move as
10 quickly as possible. Eight years ago I
11 was down in Washington to testify before
12 a Senate subcommittee hearing on putting
13 green roofs on federal buildings, and we
14 know how many federal buildings have
15 green roofs. So anything we can do to
16 move it forwards.

17 One particular observation that
18 I have that, again, nobody has discussed
19 in the construction costs or anything
20 like that is, I've been able to compare
21 the cost of maintaining my green roof and
22 the cost of maintaining a regular flat
23 roof, which I have on my apartment, which
24 is about 1,500 square feet. In the last
25 ten years that I've had my green roof,

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2 I've had to spend close to \$10,000 just
3 in normal maintenance for my apartment's
4 flat roof. I have spent no money
5 maintaining my green roof and 3,000
6 square feet, and that's another issue.
7 The roof is protected by the green roof.
8 So the under-membrane, which is normally
9 abused by weather, sun effects and all
10 that kind of thing, it's much cheaper.
11 So even if there's a greater initial cost
12 in the installation, it's going to be
13 recouped over a period of time in reduced
14 maintenance costs on the roof itself.
15 And any chance of making that BPT tax a
16 little retrograde?

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 Councilwoman Brown, did you
20 want to ask --

21 COUNCILWOMAN BROWN: Just one.
22 Where are you located on
23 Lancaster Avenue?

24 MR. MASTERS: 3519 Lancaster,
25 maybe a half block up from the CEC.

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2 COUNCILWOMAN BROWN: Sure.

3 Thank you, Madam President.

4 COUNCIL PRESIDENT VERNA:

5 You're welcome.

6 Our next witness.

7 MR. MULLER: Vince Muller again
8 from Friends Center. Friends Center is a
9 three-building complex located between
10 15th Street and Mole Street on the west
11 and between Race and Cherry Street on the
12 south, Race Street on the north, Cherry
13 Street on the south.

14 We're about to embark on a huge
15 renovation of two of the three buildings
16 on our complex. One of them is a newer
17 office building from 1972 and one is the
18 national historic landmark Meeting House
19 from 1856. Both buildings are the object
20 of the renovation. And the vegetated
21 roof of 9,500 square feet that we've
22 installed, which I believe is the biggest
23 one in Philadelphia now, was installed
24 only in June. So we haven't had a lot of
25 experience with it yet, but our main

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2 reasons for installing a vegetated roof
3 were to help out with Philadelphia's
4 storm water management problem, which
5 we're all aware of the single pipe issue
6 and what that means. But also part of
7 this installation of the green roof was
8 prefaced by installation of a brand new
9 weather roof, which cost us almost
10 \$390,000, and that's not something that
11 we want to have to replace in 20 years.
12 We'd rather replace it in 75 years. And
13 that's what putting a green roof on top
14 of a conventional roof can do, a new
15 conventional roof.

16 The folks who we consulted with
17 have explained that we can expect up to
18 three times the life of our new roof as a
19 result of putting a vegetated roof over
20 top of it. So although that's hard to
21 quantify from year to year in the short
22 term in dollars and cents, down the road
23 that is going to save the owner quite a
24 bit of money.

25 Also, the vegetated roof

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2 provides a very positive insulation
3 effect. Now, again, we haven't had it
4 long enough to be able to evaluate our
5 heating bills and our cooling bills, but
6 we expect the combination of the new
7 weather roof and the vegetated roof on
8 top of it would only enhance the
9 insulation capabilities of our building.

10 We found that the vegetated
11 roof costs about \$85,000 to install. So
12 it's somewhat less than \$10 a square
13 foot. And I imagine as you install the
14 weather roof on -- or the vegetated roof
15 on larger surfaces, that price will go
16 down.

17 Somebody want to ask a
18 question?

19 COUNCILMAN KENNEY: Yes. We
20 were kind of chatting here about cost and
21 then you said it and I kind of missed it.
22 You said it was like \$10 a square foot?

23 MR. MULLER: Or less. Our roof
24 was about 9,500 square feet and the total
25 cost was 87,000 and change. So I think

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2 that works out to less than \$10 a square
3 foot.

4 COUNCILMAN KENNEY: And you've
5 been advised that the larger the roof
6 gets, the more the price goes down?

7 MR. MULLER: Well, I haven't
8 been advised to that effect, but that
9 would seem to be only reasonable to
10 assume, because you're going to have
11 economies of scale in the installation
12 process with a larger roof that you don't
13 have with a smaller one.

14 COUNCILMAN KENNEY: Thank you.

15 MR. MULLER: If you have any
16 questions, I'll be glad to answer them.

17 (No response.)

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 Our next witness to testify.

21 MR. JABCO: Once again, I'm
22 Jeff Jabco, Director of Grounds at
23 Swarthmore College. I do have some
24 images of our green roof if you'd like to
25 look at them while I give testimony.

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2 COUNCIL PRESIDENT VERNA:

3 Please.

4 MR. JABCO: At Swarthmore
5 College we presently have two extensive
6 green roofs. Our first one was an
7 experimental 630 square foot storage
8 building installed in 2002 and the second
9 one, a 5,000 square foot roof of a
10 student residence hall that was installed
11 in 2004. Both of these roofs were
12 installed on new construction to
13 accomplish multiple goals that many of
14 them have already been outlined.
15 Reducing storm water runoff by providing
16 peak rate reduction and storm water
17 volume reduction;

18 Improving quality of storm
19 water that does run off, which would have
20 the effect of reduction in the acid rain
21 effect. That is, our rainfall tends to
22 be fairly acidic and after the rainfall
23 does pass through a green roof, it's
24 close to neutral;

25 Energy savings in summer on the

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2 cooling costs for the residence hall.

3 This is our first residence hall that
4 we're planning on using all through the
5 summer, so we wanted to have energy
6 savings from the green roof on that;

7 The cost savings because of
8 prolonging the life of the roof's
9 waterproof membrane. The membrane that
10 was installed on the roof would have a
11 guaranteed life of 12 to 15 years, and we
12 feel that we should be able to get three
13 times the life of that roof. So already
14 the cost of the green roof should pay for
15 the reroofing that we would not have to
16 do. And one of the things that goes
17 along with that is, we would have less
18 waste deposited in landfills or the
19 incinerators by reducing the roof
20 replacements or the frequency of roof
21 replacements.

22 There also is a reduction in
23 urban or suburban heat island effect due
24 to the transpiration of the plants on the
25 roof and the evaporation from the growing

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2 media. You would also have filtration of
3 airborne pollutants from a green roof
4 that you wouldn't have on a traditional
5 roof. Also, by having more green plants,
6 they help to tie up the excess carbon
7 dioxide that's generated from burning of
8 fossil fuels, which is really important
9 in our cities and suburban areas. An
10 increased song bird and insect habitat,
11 and then purely the beauty of the green
12 roof as opposed to looking out onto a
13 roof membrane.

14 We also have the additional
15 benefits at Swarthmore College that we
16 have students who are interested in
17 learning about environmental issues and
18 environmental technology that they have
19 direct access to the roofs for study and
20 further research.

21 Green roofs are now part of
22 Pennsylvania Storm Water Best Management
23 Practices Manual, which is published by
24 the Pennsylvania Department of
25 Environmental Protection's Bureau of

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2 Watershed Management, and they're
3 accepted as part of the required storm
4 water management plan by many local
5 municipalities.

6 Swarthmore College's residence
7 hall green roof cost \$10 a square foot,
8 and that was for design, purchase and
9 installation of the roof. The plants on
10 the green roof are six species of sedum;
11 Allium, which is flowering onion;
12 Dianthus, which are carnations;
13 ornamental grasses; asters; and ice
14 plant. Estimate maintenance requirements
15 are slightly more than the DEP's listed
16 amount of three manhours per 1,000 square
17 foot annually, and that is because of
18 really maintaining this roof as a
19 showplace and a garden, almost every week
20 we have tour groups of architects,
21 engineers and potential end users of
22 green roofs coming to see our green
23 roofs.

24 Because of the environmental
25 and aesthetic benefits, as well as the

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2 economic benefits, Swarthmore College
3 hopes to construct two more green roofs
4 in the next two to three years, one on
5 the second phase of the new residence
6 hall, which is under construction now,
7 and we hope to install that roof next
8 summer, and another green roof on our
9 existing Performing Arts Center, which
10 was built in 1991. We would retrofit a
11 green roof on that. And built in 1991,
12 the roof is beginning to fail. The
13 membrane is beginning to fail on it, so
14 it needs to be reroofed, so we would hope
15 to do a green roof on that one, and that
16 one is about 29,000 square feet.

17 We always welcome visitors onto
18 our green roof, and we would invite any
19 of you to contact me to come and see our
20 green roof, and we also give monthly
21 tours to the public of our green roofs.

22 Thank you.

23 COUNCIL PRESIDENT VERNA:

24 You're welcome.

25 The Chair recognizes Councilman

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2 Kenney.

3 COUNCILMAN KENNEY: I thought I
4 heard you say that the annual maintenance
5 requirements is three manhours per year?

6 MR. JABCO: Three manhours per
7 thousand square feet, and that's the
8 estimate from the DEP in their manual.

9 COUNCILMAN KENNEY: Okay.
10 Thank you.

11 COUNCIL PRESIDENT VERNA: The
12 Chair recognizes Councilman Clarke.

13 COUNCILMAN CLARKE: Thank you.

14 I actually wanted to ask a
15 question around maintenance, because I
16 have a backyard that I have tried
17 everything imaginable to keep the weeds
18 from growing. I mean, I put the tarp
19 down, I put the mulch on top of it, and
20 it keeps coming through, and I'm out
21 there every Saturday with my weed
22 whacker.

23 How do you maintain this? How
24 do you keep the grass or the weeds from
25 growing? Do you physically have to have

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2 somebody out there?

3 MR. JABCO: Well, one of the
4 nice things about a green roof, because
5 of the engineered soil that's in it, it's
6 a very porous light soil mix, so it holds
7 a certain amount of water, but also is
8 free draining. And the plants that are
9 selected for it can handle those types of
10 conditions and are very good at taking up
11 rainfall when it comes. But the roof is
12 essentially self-weeding, so any dry
13 spell that we have, any of the weed seeds
14 that blow into it, essentially those
15 young weeds would die because they can't
16 handle the dry conditions that the roof
17 would get, but the sedums are just fine
18 with that.

19 COUNCILMAN CLARKE: So there is
20 a process that I can use in my backyard
21 other than a weed whacker that will help
22 kill the weeds; is that what you're
23 telling me?

24 MR. JABCO: Yup. It all
25 depends on the soil, the soil getting

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2 very dry in between the rainfalls, and
3 that would kill the weeds.

4 COUNCILMAN CLARKE: All right.

5 MR. MASTERS: I don't really do
6 any maintenance on my roof.

7 COUNCILMAN CLARKE: How does
8 that work?

9 MR. MASTERS: Whatever blows in
10 I let grow there. I've had trees start,
11 and, well, okay, let's take those out,
12 because we don't want a tree growing on
13 the roof, but that's five minutes.
14 Grasses blow in. My air conditioners
15 drain on top of the roof, so where I get
16 air conditioner draining, it's like
17 you're in the desert and you'll find a
18 spring, which has taller grasses by it.
19 And I don't really worry about any
20 maintenance.

21 When the roof was first
22 installed, I had an aphid problem. By
23 the time the installer could get a
24 solution for the aphid problem, ladybugs
25 had already arrived and taken care of the

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2 aphids. I just leave it as a natural
3 environment.

4 COUNCILMAN CLARKE: You have to
5 excuse my ignorance on this issue. I
6 live in the section of town, they have
7 these little things called Philadelphia
8 trees, and some people may know what I'm
9 talking about. They just like -- I don't
10 know where they come from. They grow up.
11 They start out like little things. You
12 just ignore them, and a year and a half
13 later, they're like a tree.

14 Is it something in the soil or
15 can you aerate it that will prohibit
16 those? Because I'm saying, I'm sure you
17 don't want to have a tree on your roof.
18 It's one thing to have grass. I just
19 honestly don't know.

20 MR. MULLER: Councilman, on, I
21 think it was referred to, as a thin green
22 roof, there's only about three and a half
23 inches of aggregate to grow in, so a
24 large tree is not going to sprout up up
25 there. And Roofscapes, who we also

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2 worked with in the design of our roof,
3 allowed for about \$2,400 a year in
4 various kinds of maintenance, which might
5 include weed removal, if necessary, or
6 Philadelphia tree harvesting, if
7 necessary. But it's not a lot of work,
8 believe me. I don't think -- I mean,
9 that's the cost of the contract, but I'll
10 be surprised if we don't do better on a
11 time and materials basis, because there's
12 really not much to do.

13 COUNCILMAN CLARKE: All right.

14 I hear you, but I -- you may not know
15 what I'm talking about, but I've
16 literally seen trees growing out of the
17 side of buildings and they started out as
18 these little weeds.

19 COUNCIL PRESIDENT VERNA:

20 Especially in alleys.

21 COUNCILMAN CLARKE: In alleys.

22 And it's like cement and it's like a
23 little crack, and the next thing you
24 know, it comes up and it's like Jack and
25 the Beanstalk. And you're suggesting

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2 that because of the minimal amount of
3 soil, there's no likelihood of this
4 growing?

5 MR. MULLER: You can't support
6 a large roof system.

7 MR. JABCO: And if they're
8 growing out of the side of the building,
9 the roots are getting to somewhere where
10 they're getting soil and moisture. In a
11 green roof, with the thin layer and the
12 very porous mix, you may have a tree like
13 that germinate, begin to grow, but it's
14 not going to last. It will die because
15 it just gets too dry.

16 COUNCILMAN CLARKE: Okay. I
17 hear you. Okay. Thank you.

18 Thank you, Madam President.

19 COUNCIL PRESIDENT VERNA:
20 You're welcome.

21 Is someone else going to
22 testify?

23 COUNCILMAN KENNEY: Madam
24 President, if I could request -- because
25 I think she may know the answers to a lot

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2 of the issues that were raised from the
3 Planning Commission relative to having to
4 have flat roofs, which we don't have to
5 have.

6 If you could just talk about --
7 I would appreciate if you could take some
8 of the criticisms or some of the
9 speculation that it's not a good thing or
10 that there's problems or that it's
11 difficult to maintain or difficult to
12 install, just kind of talk about the
13 benefits of it and try to debunk, if you
14 can, some of the other issues.

15 MS. MUROFF: Sure. Thank you.
16 I think one of the issues --

17 COUNCILMAN KENNEY: I'm sorry.
18 Re-identify yourself.

19 MS. MUROFF: I'm sorry. This
20 is Melissa Muroff and I'm with
21 Roofscapes. I was asked to come today to
22 be available to answer some questions if
23 need be.

24 I think one of the first
25 questions that came up and that you

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2 referenced again is the issue of flat
3 roofs and the extent to which roofs with
4 a pitch are appropriate. In fact, for
5 the thin profiles that these gentlemen
6 have been describing; that is, green
7 roofs that have three to five inches of
8 soil or aggregate, actually having a
9 little bit of a pitch is much preferred.
10 So typically it is true that what you
11 tend to see on thin green roof profiles
12 are roofs that are pitched slightly to
13 the drains or the scuppers,
14 what-have-you.

15 However, having said that,
16 roofs with pitches that are quite steep,
17 like 30 percent inclines, are suitable
18 for green roofs. The difference is that
19 appropriate slope stabilization has to be
20 incorporated into the design, and then
21 with that, it goes without saying, there
22 is an additional cost. But roofs up to a
23 2-on-12 pitch need no additional slope
24 stabilization and are suitable for green
25 roofs.

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2 I think one of the other
3 questions that came up pertained to
4 height. Lower roofs are logistically
5 easier to -- green roofs on lower
6 buildings are logistically easier to
7 install and, therefore, are going to be
8 less expensive in that regard. There's
9 nothing -- green roofs on skyscrapers;
10 for example, high rises, 52 stories, a
11 hundred stories -- well, whatever, 50
12 let's say stories, are certainly doable
13 and there are many that have been
14 installed around the country. They
15 introduce additional issues, such as more
16 extreme wind uplift pressures that have
17 to be addressed, but they certainly can
18 be.

19 I think the point that you may
20 have been getting to regarding high
21 buildings is that they will likely be
22 less effective in reducing the energy
23 costs to cool the building in the
24 summertime because the ratio of wall area
25 to roof area is going to be much greater,

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2 so you're not going to be -- you don't
3 have as much surface area to work with to
4 actually cool the building inside. So
5 just relatively speaking, it's not going
6 to be as an effective energy tool.

7 You asked about cost. I mean,
8 I think --

9 COUNCILMAN KENNEY: Yeah. I
10 think a lot of that has been covered. I
11 mean, I have no other questions. I've
12 kind of like been on this green roof
13 education process for a while, so I kind
14 of know this stuff.

15 But if there are any questions,
16 I'm sure that she would be willing to
17 answer them.

18 COUNCIL PRESIDENT VERNA: I
19 think the issue of cost is of concern.

20 Excuse me. What did you say it
21 cost you to retrofit your roof?

22 MR. JABCO: Both of ours so far
23 were new construction. So that was \$10 a
24 square foot, but what I budgeted for the
25 retrofit is about \$11 to \$12 a square

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2 foot.

3 COUNCIL PRESIDENT VERNA: And I
4 believe somebody testified that they paid
5 \$2,500?

6 MR. MULLER: Well, we were
7 asked to consider support contracts,
8 maintenance contracts, for the roof,
9 which run about \$2,400 a year, and
10 because this is our first year's
11 experience with it, we purchased one, but
12 if experience during the first four
13 months of ownership is any indication, it
14 may be cheaper just to maintain it on a
15 time and materials basis, because there's
16 really not too much to do. Early on you
17 have some plant replacement. Not all the
18 plants thrive, so some of those have to
19 be replaced.

20 COUNCIL PRESIDENT VERNA: I
21 believe you indicated what it cost you.

22 MR. MULLER: Yes. Our 9,500
23 square foot roof cost 87,000 and change.
24 So I believe that works out to something
25 less than \$10 a square foot. And I would

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2 have to think that if you were doing
3 50,000 square feet or more, that you'd be
4 looking at economies of scale, which
5 would bring that cost per foot down, but
6 I don't know that for a fact.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 The Chair recognizes
10 Councilwoman Brown.

11 COUNCILWOMAN BROWN: Thank you.

12 In addition to green roofs,
13 since you are the experts in many ways,
14 are there other alternative avenues that
15 provide the same or similar result?

16 MR. MULLER: Well, in addition
17 to our green roof, another methodology
18 that we're installing, which I as a
19 building manager am equally excited
20 about, is our recapture and reuse
21 program. We have a very large sloped
22 roof on the historical Meeting House, and
23 our engineers have calculated that just
24 based on normal Philadelphia rainfall,
25 with a 20 percent loss factor, we'll be

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2 able to collect enough rainwater off that
3 roof and then reuse it in our office
4 building to practically eliminate 85-plus
5 percent of our potable water bill. It
6 would literally reduce our use of fresh
7 water down to hand washing and fountains,
8 water fountains. All the water used
9 currently to flush urinals or toilets
10 would be gray water pulled off the roof
11 of the Meeting House.

12 So for us, I mean, our water
13 bill -- we're a small operation, so our
14 water bill is somewhere between \$20,000,
15 \$22,000 a year, but we should be able to
16 eliminate in excess of 90 percent of that
17 just by collecting water off the Meeting
18 House roof and storing it in cisterns in
19 the basement of the building and then
20 re-piping it as gray water back over to
21 the office building. And these are old
22 buildings. These are not -- we don't
23 have the benefit of building brand new.
24 We have to retrofit all this stuff, and I
25 believe the cost of what I just explained

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2 will be under \$230,000. So that's a lot
3 of money initially, but if you're saving
4 anywhere from \$17,000 to \$19,000 a year
5 in your water bill, you're going to make
6 that up in a hurry and then it's all
7 money in your pocket.

8 COUNCILMAN KENNEY: Madam
9 President.

10 COUNCIL PRESIDENT VERNA: Yes.

11 COUNCILMAN KENNEY: The issues
12 on cost -- and, Melissa, if you could
13 comment on what I'm going to say, I would
14 appreciate it.

15 There is no doubt that there is
16 an initial cost in doing this, and,
17 again, I will reiterate that we are
18 trying to defray that cost with a tax
19 credit on the BPT.

20 But can you talk about the
21 difference between new construction and
22 retrofit? Because I think what's getting
23 somewhat complicated is that these, for
24 the most part, are retrofitted buildings.
25 The new construction costs are

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2 substantially different than the retrofit
3 building, because it's being designed
4 into the project and built at the same
5 time. The roof doesn't have to be torn
6 up, a new roof put down and the thing put
7 on there.

8 Also, the issue of the length
9 of time the roof lasts. If you don't
10 have to replace this roof for 30 years
11 and you're talking about a 50,000 square
12 foot building, that's a substantial
13 savings in the life of the building,
14 because those roofs are very, very
15 expensive.

16 If you could just talk --
17 because I know cost is an issue and the
18 issue of cost relative to maintenance,
19 which I think all these things, in my
20 opinion, are all outweighed by the
21 benefits to the property owner, the
22 savings in heat and air conditioning, the
23 savings on the -- the other issue was
24 when the Water Department implements its
25 new formula for storm water management

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2 charges, a building that's 50,000, 60,000
3 square feet flat roof is going to pay an
4 awful lot of money to manage that storm
5 water that can be reduced substantially
6 by the use of the green roof.

7 So as we're looking at the
8 square foot costs stepping into the
9 building or getting the building up, I
10 think we really have to be fair and look
11 at all of the other costs that are saved
12 over the life of the building by the
13 property owner. And I think what happens
14 with developers is they say, Oh, my God,
15 look at the cost that it's going to cost
16 me right up front, without looking at the
17 end user, who is going to obviously
18 benefit for 30, 40, 50 years as a result
19 of its installation and maintenance.

20 So if you could just talk about
21 that a little bit.

22 MS. MUROFF: And I would also
23 add -- and I have to defer to the Water
24 Department on this, of course, but it has
25 been our experience in working with

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2 clients that are designing green roofs
3 into their projects that they have
4 expedited -- is this right -- expedited
5 review of their project in order to get
6 their building permit. And that actually
7 does add up to dollars and cents for them
8 as well early in this design and
9 construction process.

10 To the Councilman's point
11 regarding the capital investment or the
12 capital cost of the green roof as a new
13 construction versus the capital cost of
14 the green roof as a retrofit, the
15 capital -- I'm not sure for those of you
16 who have retrofits you were also
17 referencing the cost of demolition of the
18 old roof when you talked about the cost
19 of the green roof. But I can say that
20 for a sizable green roof that's over
21 50,000 square feet, I would suggest that
22 it is well within reality to expect that
23 the installed cost of the green roof, a
24 thin profile, three or four inches of
25 media or soil, would be in the ballpark

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2 of \$7 to \$9 per square foot.

3 For what it's worth, there's a
4 project similar -- a big-box store in the
5 City of Chicago, where -- again, this is
6 obviously anecdotal, but it involved
7 union wages and perhaps a similar
8 construction environment. The contractor
9 submitted his price proposal for \$6.50,
10 and that was for a 72,000 square foot
11 vegetated roof on a big-box store. So
12 that was a new construction. That might
13 provide -- I haven't heard lower than
14 that, so I might suggest that's probably
15 likely to be a low end, but that's
16 probably within reason for a new
17 construction on a big-box store.

18 COUNCILMAN KENNEY: Just on top
19 of that, could you talk -- and I'm sorry.
20 I don't mean to interrupt, Councilman
21 O'Neill.

22 COUNCILMAN O'NEILL: You may be
23 asking my question.

24 COUNCILMAN KENNEY: When you
25 have a large flat roof that's made from

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2 asphalt and the rain hits it, it is
3 picking up the elements of the asphalt
4 roof, which are toxic. That stuff is
5 going into our storm water system and
6 needs to be treated, which is an
7 additional cost to the Water Department
8 to do that. In addition, it's going to
9 be an additional cost to the property
10 owner because they're going to have to
11 pay the new charges based on the new fee
12 schedule.

13 So I don't really see a down --
14 I really don't see an economic downside
15 at all to any of this when it comes to
16 buildings of that size.

17 So I'm sorry, Councilman.

18 COUNCILMAN O'NEILL: We've been
19 hearing back and forth. Council
20 President asked a question about cost. I
21 think what she was talking about, if I
22 picked it up right, is comparative cost,
23 and maybe I missed part of that
24 testimony, but whether it's 6.50, 7.50,
25 8.50, 9.50, if somebody is building a

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2 50,000 or bigger square foot building in
3 Philadelphia and they hire a union
4 roofing company with union roofing
5 employees to do it, I don't know if that
6 cost is a dollar a square foot or 20
7 dollars a square foot. I'd like to leave
8 this hearing at least knowing what we're
9 talking about.

10 Can somebody testify as to what
11 that cost is? I have no idea.

12 MR. JABCO: Well, I know from
13 our new construction project of the
14 residence hall, essentially if the cost
15 of the new roof is A amount, then the
16 cost of the green roof was an additional
17 A. So it's essentially twice the cost of
18 the roof if you're going to vegetate it.

19 COUNCILMAN O'NEILL: So we're
20 going to be requiring people -- and I
21 love green roofs, but I also love not
22 using trans fats and all that, but we
23 don't -- we do cut breaks to people based
24 on certain issues. And what I just want
25 to know, we're going to be requiring

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2 somebody to pay twice as much for the
3 roof in their building. Is that --

4 MR. MULLER: I wouldn't agree
5 with the gentleman on that. We put a
6 pretty expensive weather roof on -- we
7 were due for a new roof. Our roof was
8 over 30 years old and it was leaking. So
9 we needed a new roof. Now, we put a very
10 state-of-the-art expensive roof on and it
11 cost \$390-some thousand. For slight --
12 for less area, we spent only 84,000,
13 87,000 on the vegetated roof. So I don't
14 see it as a --

15 COUNCILMAN O'NEILL: Did you
16 say slate?

17 MR. MULLER: No, not slate. I
18 said slightly less area, because the
19 vegetated roof didn't cover as much area
20 as the weather roof. But we still spent
21 only 84,000. So I don't think it's
22 double the cost of a new roof. But if
23 you are going to put a vegetated roof on
24 your building, it doesn't make much sense
25 to me to put it over an old roof,

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2 because you --

3 COUNCILMAN O'NEILL: I just
4 want to limit -- I think the question was
5 new construction, when we're requiring
6 people -- what people do electively with
7 retrofits, I mean, it's noble and
8 everything, but I don't think we're
9 requiring that. I'm just trying to
10 elicit the information.

11 It's roughly double the cost of
12 new construction. That's fine. I just
13 wanted to get the information on the
14 record to make a judgment when we get
15 attacked by the union roofers or whoever
16 it is that -- Council President asked the
17 question. The answer is now on the
18 record.

19 COUNCIL PRESIDENT VERNA: The
20 Chair recognizes Councilman Greenlee.

21 COUNCILMAN GREENLEE: Thank
22 you, Madam President.

23 If any of the witnesses on the
24 panel can talk about Chicago and how
25 they've done this. Does anyone know,

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2 getting back to this whole cost issue,
3 what questions were raised there, what
4 the differences are? I mean, you folks
5 are sort of estimating. In answer to
6 Councilman O'Neill, you thought it might
7 be double. Is there any statistics,
8 Councilman, that you know dealing with --

9 COUNCILMAN KENNEY: No. I just
10 really believe that when it comes to
11 large box construction, which is
12 primarily what we're talking about, and
13 we don't require them to do it, they're
14 going to get kicked in the rear end when
15 it comes to their storm water management
16 charges monthly, and at that time, it's
17 going to be probably impractical to put
18 one on after the building is constructed.

19 So we may be trying to keep the
20 developer from having to spend an
21 additional amount of money going in, but
22 when those new fees go into effect and
23 they haven't mitigated, they're going to
24 get rocked.

25 Besides all the other

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2 environmental benefits, the greenhouse
3 effect, the warming effect, the savings
4 on heating and air conditioning, the
5 savings on us treating the water, all of
6 that stuff, there is certainly a cost you
7 need to pay to get there, and if we're
8 going to continue to be concerned about
9 the up-front costs, even though we're
10 giving a hundred thousand dollars
11 potentially towards the project, then
12 we'll probably never get there. But then
13 we're going to have to deal with the
14 effects of what happens with the storm
15 water management, because I think those
16 monthly fees are going to be a killer.

17 COUNCILMAN GREENLEE: Can I
18 just -- I'm sorry. If I can just ask on
19 the question of the tax credits, just so
20 I'm clear on this. How is that done now?

21 COUNCILMAN KENNEY: It's up to
22 25 percent of the project or \$100,000
23 would be credited to your business
24 privilege tax, I think, in that -- I
25 don't have the bill in front of me, but I

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2 think in the over five-year period, I
3 believe it was.

4 So I recognize that this is
5 virgin territory for us, but as I said
6 earlier in the discussion, this has been
7 going on in Europe for how long?

8 MS. MUROFF: About 50 years.

9 COUNCILMAN KENNEY: 50 years.
10 And in Chicago for quite a long time with
11 success. Developers will howl
12 practically about anything, and if you
13 gave the developers the opportunity to do
14 nothing, they would do nothing, including
15 mitigating neighborhood concerns or
16 anything else. So we kind of force them
17 to do things now.

18 I really do believe that this
19 technology and this is cutting edge for
20 us that will be a tremendous advantage
21 going forward, but if initial cost is
22 always going to stop us, then I don't
23 think we'll ever get there.

24 MR. MULLER: I just want to
25 reiterate again that I would hate to see

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2 the Committee leave here thinking that
3 the cost of a vegetated roof is the cost
4 of the under-roof all over again. It
5 just isn't. I mean, the vegetated roof
6 was installed in less than two weeks by
7 about five guys. It took several months
8 to install the new weather roof, the
9 under-roof on our building. There's just
10 much, much more involved, much more
11 expense, much more materials, much more
12 labor, and it doesn't make any difference
13 whether it's a retrofit roof or a new
14 roof. There's just no way a vegetated
15 roof is going to cost what a weather roof
16 costs. Somebody is going to have to
17 explain that.

18 COUNCILMAN O'NEILL: I support
19 the bill. I'm not sure we have all the
20 testimony in front of us that we might
21 want to have. And I don't care if we
22 report it out, get it. I'm not really
23 concerned with that. I'm concerned with
24 the side that's not here to comment, and
25 even the tax benefit. I mean, I'd like

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2 to know what it would be uncapped for
3 larger buildings so they're not sort of
4 punished in a relative way as opposed to
5 being rewarded the same just because they
6 have a bigger building than a smaller
7 building.

8 The concept is terrific. The
9 cost questions, it seems like most of
10 them will be made up one way or the
11 other, whether it's maintenance, energy
12 efficiency, the Water Department. But I
13 also think that it would help to have the
14 Water Department come in here with a full
15 briefcase full of information to put on
16 the record so when I talk to developer or
17 building owner X that you're going to in
18 the future have a reduction, which they
19 obviously should, that I can give them
20 something real specific. I mean, the
21 Water Department knows what they're going
22 to do with that regulation. They should
23 be able to calibrate it to a 50,000
24 square foot building, a 75, a hundred,
25 whatever it might be, so we have a whole

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2 list of things that are going to offset
3 whatever -- and this is not meant in any
4 way towards the witnesses at the table.
5 I think I would like to know what it
6 really is. It might be different on a
7 skyscraper. It might be different on
8 different kinds of buildings. Just what
9 the range of differences and what impacts
10 that.

11 I'm prepared to vote for this
12 bill. I just think that the Water
13 Department should be helping us here with
14 specifics. We have a sheet that shows,
15 yeah, you're paying here, but look what
16 you're going to be saving, since that
17 regulation is not in place yet, and we
18 should be pretty exact about it and also
19 with the differential cost, and it seems
20 like in different buildings there's going
21 to be a different relative cost to a
22 conventional roof versus a green roof.
23 And I don't care how we get the
24 information, whether we get it another
25 hearing, whether we report the bill out

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2 and get it, but I think we might want to
3 be ready for those kind of things. Is
4 this something that we can lay out in a
5 clearer, more concise form to explain to
6 people? Because I think we're doing good
7 work here and it's kind of exciting
8 actually to be involved in it, but if we
9 don't have the answers, we should have
10 them. And whether it's at this point or
11 not, I'll leave it to the Chair and the
12 sponsor, but I'm ready to go either way
13 with it.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 COUNCILMAN KENNEY: I'll hold
17 it.

18 COUNCIL PRESIDENT VERNA: Any
19 other questions?

20 (No response.)

21 COUNCIL PRESIDENT VERNA: Okay.
22 Thank you. Thank you all very much for
23 coming in to testify.

24 Do we have anyone else to
25 testify on the bill?

1 10/30/07 - RULES - BILL 070366, ETC.

2 (No response.)

3 COUNCIL PRESIDENT VERNA: Do we
4 have anyone else to testify?

5 (No response.)

6 COUNCIL PRESIDENT VERNA:

7 Seeing no one, this will conclude our
8 public hearing. We will now go into our
9 public meeting.

10 Do you want to amend it now?

11 COUNCILMAN KENNEY: No.

12 COUNCIL PRESIDENT VERNA: Bill
13 No. 070366 is being held at the request
14 of the sponsor. We will now consider
15 Bill No. 070690, and the Chair recognizes
16 Councilman Clarke.

17 COUNCILMAN CLARKE: Thank you,
18 Madam President. I move that Bill No.
19 070690 be reported out of Committee with
20 a favorable recommendation and request
21 for rules suspension as to allow reading
22 at the next session of Council.

23 (Duly seconded.)

24 COUNCIL PRESIDENT VERNA: It
25 has been moved and seconded that Bill No.

1 10/30/07 - RULES - BILL 070366, ETC.

2 070690 be reported out of Committee with
3 a favorable recommendation; further, that
4 the rules of Council be suspended so as
5 to permit first reading at our next
6 session of Council.

7 All in favor will say aye.

8 (Aye.)

9 COUNCIL PRESIDENT VERNA: Those
10 opposed?

11 (No response.)

12 COUNCILMAN KENNEY: Madam
13 President, I need to abstain due to the
14 fact that the firm I'm associated with is
15 part of the team designing the new
16 expanded Convention Center.

17 COUNCIL PRESIDENT VERNA: Very
18 well.

19 The ayes have it and the record
20 will indicate that Councilman Kenney
21 abstained from voting.

22 All in favor will say aye.

23 (Aye.)

24 COUNCIL PRESIDENT VERNA: Those
25 opposed?

1 10/30/07 - RULES - BILL 070366, ETC.

2 (No response.)

3 COUNCIL PRESIDENT VERNA: The
4 ayes have it and the motion carries.

5 We will now consider Bill No.
6 070680. The Chair recognizes Councilman
7 Clarke.

8 COUNCILMAN CLARKE: Madam
9 President, I move that Bill 070680 be
10 reported out of Committee with a
11 favorable recommendation and request for
12 rules suspension as to allow reading at
13 the next session of Council.

14 (Duly seconded.)

15 COUNCIL PRESIDENT VERNA: It
16 has been moved and seconded that Bill No.
17 070680 be reported out of Committee with
18 a favorable recommendation; further, that
19 the rules of Council be suspended so as
20 to permit first reading at our next
21 session of Council.

22 All in favor will say aye.

23 (Aye.)

24 COUNCIL PRESIDENT VERNA: Those
25 opposed?

1 10/30/07 - RULES - BILL 070366, ETC.

2 (No response.)

3 COUNCIL PRESIDENT VERNA: The
4 ayes have it. The motion carries.

5 This concludes our public
6 meeting. Thank you all very much.

7 (Committee on Rules adjourned
8 at 12:30 p.m.)

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foregoing matter on October 30, 2007, and that

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